



Executive Committee

Adopted in House Comm. on May 29, 2007

09500SB1424ham001

LRB095 08130 RAS 36904 a

1 AMENDMENT TO SENATE BILL 1424

2 AMENDMENT NO. _____. Amend Senate Bill 1424 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.24 as follows:

6 (5 ILCS 80/4.24)

7 Sec. 4.24. Acts repealed on January 1, 2014. The following
8 Acts are repealed on January 1, 2014:

9 The Electrologist Licensing Act.

10 The Illinois Certified Shorthand Reporters Act of 1984.

11 The Illinois Occupational Therapy Practice Act.

12 The Illinois Public Accounting Act.

13 The Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004.

15 The Registered Surgical Assistant and Registered Surgical
16 Technologist Title Protection Act.

1 The Veterinary Medicine and Surgery Practice Act of 2004.
2 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;
3 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.
4 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised
5 10-29-04.)

6 Section 10. The Criminal Identification Act is amended by
7 changing Section 3.1 as follows:

8 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

9 Sec. 3.1. (a) The Department may furnish, pursuant to
10 positive identification, records of convictions to the
11 Department of Professional Regulation for the purpose of
12 meeting registration or licensure requirements under The
13 Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004.

15 (b) The Department may furnish, pursuant to positive
16 identification, records of convictions to policing bodies of
17 this State for the purpose of assisting local liquor control
18 commissioners in carrying out their duty to refuse to issue
19 licenses to persons specified in paragraphs (4), (5) and (6) of
20 Section 6-2 of The Liquor Control Act of 1934.

21 (c) The Department shall charge an application fee, based
22 on actual costs, for the dissemination of records pursuant to
23 this Section. Fees received for the dissemination of records
24 pursuant to this Section shall be deposited in the State Police

1 Services Fund. The Department is empowered to establish this
2 fee and to prescribe the form and manner for requesting and
3 furnishing conviction information pursuant to this Section.

4 (d) Any dissemination of any information obtained pursuant
5 to this Section to any person not specifically authorized
6 hereby to receive or use it for the purpose for which it was
7 disseminated shall constitute a violation of Section 7.

8 (Source: P.A. 93-438, eff. 8-5-03.)

9 Section 15. The Service Contract Act is amended by changing
10 Section 10 as follows:

11 (215 ILCS 152/10)

12 Sec. 10. Exemptions. Service contract providers and
13 related service contract sellers and administrators complying
14 with this Act are not required to comply with and are not
15 subject to any provision of the Illinois Insurance Code. A
16 service contract provider who is the manufacturer or a
17 wholly-owned subsidiary of the manufacturer of the product or
18 the builder, seller, or lessor of the product that is the
19 subject of the service contract is required to comply only with
20 Sections 30, 35, 45, and 50 of this Act; except that, a service
21 contract provider who sells a motor vehicle, excluding a
22 motorcycle as defined in Section 1-147 of the Illinois Vehicle
23 Code, or who leases, but is not the manufacturer of, the motor
24 vehicle, excluding a motorcycle as defined in Section 1-147 of

1 the Illinois Vehicle Code, that is the subject of the service
2 contract must comply with this Act in its entirety. Contracts
3 for the repair and monitoring of private alarm or private
4 security systems regulated under the Private Detective,
5 Private Alarm, Private Security, Fingerprint Vendor, and
6 Locksmith Act of 2004 are not required to comply with this Act
7 and are not subject to any provision of the Illinois Insurance
8 Code.

9 (Source: P.A. 92-16, eff. 6-28-01; 93-438, eff. 8-5-03.)

10 Section 20. The Massage Licensing Act is amended by
11 changing Section 20 as follows:

12 (225 ILCS 57/20)

13 (Section scheduled to be repealed on January 1, 2012)

14 Sec. 20. Grandfathering provision.

15 (a) For a period of one year after the effective date of
16 the rules adopted under this Act, the Department may issue a
17 license to an individual who, in addition to meeting the
18 requirements set forth in paragraphs (1) and (2) of subsection
19 (a) and subsection (b) of Section 15, produces proof that he or
20 she has met at least one of the following requirements before
21 the effective date of this Act:

22 (1) has been an active member, for a period of at least
23 one year prior to the application for licensure, of a
24 national professional massage therapy organization

1 established prior to the year 2000, which offers
2 professional liability insurance and a code of ethics;

3 (2) has passed the National Certification Exam of
4 Therapeutic Massage and Bodywork and has kept his or her
5 certification current;

6 (3) has practiced massage therapy an average of at
7 least 10 hours per week for at least 10 years; or

8 (4) has practiced massage therapy an average of at
9 least 10 hours per week for at least one year prior to the
10 effective date of this Act and has completed at least 100
11 hours of formal training in massage therapy.

12 (a-5) The Department may issue a license to an individual
13 who failed to apply for licensure under subsection (a) of this
14 Section before October 31, 2005 (one year after the effective
15 date of the rules adopted under this Act), but who otherwise
16 meets the qualifications set forth in subsection (a) of this
17 Section, provided that the individual submits a completed
18 application for licensure as required under subsection (a) of
19 this Section within 10 days after the effective date of this
20 amendatory Act of the 95th General Assembly.

21 (b) An applicant who can show proof of having engaged in
22 the practice of massage therapy for at least 10 hours per week
23 for a minimum of one year prior to the effective date of this
24 Act and has less than 100 hours of formal training or has been
25 practicing for less than one year with 100 hours of formal
26 training must complete at least 100 additional hours of formal

1 training consisting of at least 25 hours in anatomy and
2 physiology by January 1, 2005.

3 (c) An applicant who has training from another state or
4 country may qualify for a license under subsection (a) by
5 showing proof of meeting the requirements of that state or
6 country and demonstrating that those requirements are
7 substantially the same as the requirements in this Section.

8 (d) For purposes of this Section, "formal training" means a
9 massage therapy curriculum approved by the Illinois State Board
10 of Education or the Illinois Board of Higher Education or
11 course work provided by continuing education sponsors approved
12 by the Department.

13 (Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03;
14 93-908, eff. 8-11-04.)

15 Section 25. The Private Detective, Private Alarm, Private
16 Security, and Locksmith Act of 2004 is amended by changing
17 Sections 5-5, 5-10, 10-5, 10-10, 10-25, 10-30, 15-10, 15-15,
18 15-25, 20-10, 20-20, 25-10, 25-15, 25-20, 25-30, 30-15, 35-10,
19 35-25, 35-30, 35-35, 35-40, 35-45, 40-5, 40-10, 45-50, 45-55,
20 50-10, and 50-25 and by adding Sections 5-3, 10-27, 35-41,
21 35-42, and 35-43 and Article 31 as follows:

22 (225 ILCS 447/5-3 new)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 5-3. References to Department or Director of

1 Professional Regulation. References in this Act (i) to the
2 Department of Professional Regulation are deemed, in
3 appropriate contexts, to be references to the Department of
4 Financial and Professional Regulation and (ii) to the Director
5 of Professional Regulation are deemed, in appropriate
6 contexts, to be references to the Secretary of Financial and
7 Professional Regulation.

8 (225 ILCS 447/5-5)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 5-5. Short title; Act supersedes the Private
11 Detective, Private Alarm, Private Security, and Locksmith Act
12 of 1993. This Act may be cited as the Private Detective,
13 Private Alarm, Private Security, Fingerprint Vendor, and
14 Locksmith Act of 2004 and it supersedes the Private Detective,
15 Private Alarm, Private Security, and Locksmith Act of 1993
16 repealed by this Act.

17 (Source: P.A. 93-438, eff. 8-5-03.)

18 (225 ILCS 447/5-10)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 5-10. Definitions. As used in this Act:

21 "Advertisement" means any printed material that is
22 published in a phone book, newspaper, magazine, pamphlet,
23 newsletter, or other similar type of publication that is
24 intended to either attract business or merely provide contact

1 information to the public for an agency or licensee.
2 Advertisement shall include any material disseminated by
3 printed or electronic means or media, but shall not include a
4 licensee's or an agency's letterhead, business cards, or other
5 stationery used in routine business correspondence or
6 customary name, address, and number type listings in a
7 telephone directory.

8 "Alarm system" means any system, including an electronic
9 access control system, a surveillance video system, a security
10 video system, a burglar alarm system, a fire alarm system, or
11 any other electronic system, that activates an audible,
12 visible, remote, or recorded signal that is designed for the
13 protection or detection of intrusion, entry, theft, fire,
14 vandalism, escape, or trespass.

15 "Armed employee" means a licensee or registered person who
16 is employed by an agency licensed or an armed proprietary
17 security force registered under this Act who carries a weapon
18 while engaged in the performance of official duties within the
19 course and scope of his or her employment during the hours and
20 times the employee is scheduled to work or is commuting between
21 his or her home or place of employment, provided that commuting
22 is accomplished within one hour from departure from home or
23 place of employment.

24 "Armed proprietary security force" means a security force
25 made up of 5 or more armed individuals employed by a private,
26 commercial, or industrial operation or one or more armed

1 individuals employed by a financial institution as security
2 officers for the protection of persons or property.

3 "Board" means the Private Detective, Private Alarm,
4 Private Security, Fingerprint Vendor, and Locksmith Board.

5 "Branch office" means a business location removed from the
6 place of business for which an agency license has been issued,
7 including, but not limited to, locations where active employee
8 records that are required to be maintained under this Act are
9 kept, where prospective new employees are processed, or where
10 members of the public are invited in to transact business. A
11 branch office does not include an office or other facility
12 located on the property of an existing client that is utilized
13 solely for the benefit of that client and is not owned or
14 leased by the agency.

15 "Canine handler" means a person who uses or handles a
16 trained dog to protect persons or property or to conduct
17 investigations.

18 "Canine handler authorization card" means a card issued by
19 the Department that authorizes the holder to use or handle a
20 trained dog to protect persons or property or to conduct
21 investigations during the performance of his or her duties as
22 specified in this Act.

23 "Canine trainer" means a person who acts as a dog trainer
24 for the purpose of training dogs to protect persons or property
25 or to conduct investigations.

26 "Canine trainer authorization card" means a card issued by

1 the Department that authorizes the holder to train a dog to
2 protect persons or property or to conduct investigations during
3 the performance of his or her duties as specified in this Act.

4 "Canine training facility" means a facility operated by a
5 licensed private detective agency or private security agency
6 wherein dogs are trained for the purposes of protecting persons
7 or property or to conduct investigations.

8 "Corporation" means an artificial person or legal entity
9 created by or under the authority of the laws of a state,
10 including without limitation a corporation, limited liability
11 company, or any other legal entity.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 ~~"Director" means the Director of Professional Regulation.~~

15 "Employee" means a person who works for a person or agency
16 that has the right to control the details of the work performed
17 and is not dependent upon whether or not federal or state
18 payroll taxes are withheld.

19 "Fingerprint vendor" means a person that offers,
20 advertises, or provides services to fingerprint individuals,
21 through electronic or other means, for the purpose of providing
22 fingerprint images and associated demographic data to the
23 Department of State Police for processing fingerprint based
24 criminal history record information inquiries.

25 "Fingerprint vendor agency" means a person, firm,
26 corporation, or other legal entity that engages in the

1 fingerprint vendor business and employs, in addition to the
2 fingerprint vendor licensee-in-charge, at least one other
3 person in conducting that business.

4 "Fingerprint vendor licensee-in-charge" means a person who
5 has been designated by a fingerprint vendor agency to be the
6 licensee-in-charge of an agency who is a full-time management
7 employee or owner who assumes sole responsibility for
8 maintaining all records required by this Act and who assumes
9 sole responsibility for assuring the licensed agency's
10 compliance with its responsibilities as stated in this Act. The
11 Department shall adopt rules mandating licensee-in-charge
12 participation in agency affairs.

13 "Fire alarm system" means any system that is activated by
14 an automatic or manual device in the detection of smoke, heat,
15 or fire that activates an audible, visible, or remote signal
16 requiring a response.

17 "Firearm control authorization card" means a card issued by
18 the Department that authorizes the holder, who has complied
19 with the training and other requirements of this Act, to carry
20 a weapon during the performance of his or her duties as
21 specified in this Act.

22 "Firm" means an unincorporated business entity, including
23 but not limited to proprietorships and partnerships.

24 "Locksmith" means a person who engages in a business or
25 holds himself out to the public as providing a service that
26 includes, but is not limited to, the servicing, installing,

1 originating first keys, re-coding, repairing, maintaining,
2 manipulating, or bypassing of a mechanical or electronic
3 locking device, access control or video surveillance system at
4 premises, vehicles, safes, vaults, safe deposit boxes, or
5 automatic teller machines.

6 "Locksmith agency" means a person, firm, corporation, or
7 other legal entity that engages in the locksmith business and
8 employs, in addition to the locksmith licensee-in-charge, at
9 least one other person in conducting such business.

10 "Locksmith licensee-in-charge" means a person who has been
11 designated by agency to be the licensee-in-charge of an agency,
12 who is a full-time management employee or owner who assumes
13 sole responsibility for maintaining all records required by
14 this Act, and who assumes sole responsibility for assuring the
15 licensed agency's compliance with its responsibilities as
16 stated in this Act. The Department shall adopt rules mandating
17 licensee-in-charge participation in agency affairs.

18 "Peace officer" or "police officer" means a person who, by
19 virtue of office or public employment, is vested by law with a
20 duty to maintain public order or to make arrests for offenses,
21 whether that duty extends to all offenses or is limited to
22 specific offenses. Officers, agents, or employees of the
23 federal government commissioned by federal statute to make
24 arrests for violations of federal laws are considered peace
25 officers.

26 "Permanent employee registration card" means a card issued

1 by the Department to an individual who has applied to the
2 Department and meets the requirements for employment by a
3 licensed agency under this Act.

4 "Person" means a natural person.

5 "Private alarm contractor" means a person who engages in a
6 business that individually or through others undertakes,
7 offers to undertake, purports to have the capacity to
8 undertake, or submits a bid to sell, install, design, monitor,
9 maintain, alter, repair, replace, or service alarm and other
10 security-related systems or parts thereof, including fire
11 alarm systems, at protected premises or premises to be
12 protected or responds to alarm systems at a protected premises
13 on an emergency basis and not as a full-time security officer.

14 "Private alarm contractor" does not include a person, firm, or
15 corporation that manufactures or sells alarm systems only from
16 its place of business and does not sell, install, monitor,
17 maintain, alter, repair, replace, service, or respond to alarm
18 systems at protected premises or premises to be protected.

19 "Private alarm contractor agency" means a person,
20 corporation, or other entity that engages in the private alarm
21 contracting business and employs, in addition to the private
22 alarm contractor-in-charge, at least one other person in
23 conducting such business.

24 "Private alarm contractor licensee-in-charge" means a
25 person who has been designated by an agency to be the
26 licensee-in-charge of an agency, who is a full-time management

1 employee or owner who assumes sole responsibility for
2 maintaining all records required by this Act, and who assumes
3 sole responsibility for assuring the licensed agency's
4 compliance with its responsibilities as stated in this Act. The
5 Department shall adopt rules mandating licensee-in-charge
6 participation in agency affairs.

7 "Private detective" means any person who by any means,
8 including, but not limited to, manual, canine odor detection,
9 or electronic methods, engages in the business of, accepts
10 employment to furnish, or agrees to make or makes
11 investigations for a fee or other consideration to obtain
12 information relating to:

13 (1) Crimes or wrongs done or threatened against the
14 United States, any state or territory of the United States,
15 or any local government of a state or territory.

16 (2) The identity, habits, conduct, business
17 occupation, honesty, integrity, credibility, knowledge,
18 trustworthiness, efficiency, loyalty, activity, movements,
19 whereabouts, affiliations, associations, transactions,
20 acts, reputation, or character of any person, firm, or
21 other entity by any means, manual or electronic.

22 (3) The location, disposition, or recovery of lost or
23 stolen property.

24 (4) The cause, origin, or responsibility for fires,
25 accidents, or injuries to individuals or real or personal
26 property.

1 (5) The truth or falsity of any statement or
2 representation.

3 (6) Securing evidence to be used before any court,
4 board, or investigating body.

5 (7) The protection of individuals from bodily harm or
6 death (bodyguard functions).

7 (8) Service of process in criminal and civil
8 proceedings without court order.

9 "Private detective agency" means a person, firm,
10 corporation, or other legal entity that engages in the private
11 detective business and employs, in addition to the
12 licensee-in-charge, one or more persons in conducting such
13 business.

14 "Private detective licensee-in-charge" means a person who
15 has been designated by an agency to be the licensee-in-charge
16 of an agency, who is a full-time management employee or owner
17 who assumes sole responsibility for maintaining all records
18 required by this Act, and who assumes sole responsibility for
19 assuring the licensed agency's compliance with its
20 responsibilities as stated in this Act. The Department shall
21 adopt rules mandating licensee-in-charge participation in
22 agency affairs.

23 "Private security contractor" means a person who engages in
24 the business of providing a private security officer, watchman,
25 patrol, guard dog, canine odor detection, or a similar service
26 by any other title or name on a contractual basis for another

1 person, firm, corporation, or other entity for a fee or other
2 consideration and performing one or more of the following
3 functions:

4 (1) The prevention or detection of intrusion, entry,
5 theft, vandalism, abuse, fire, or trespass on private or
6 governmental property.

7 (2) The prevention, observation, or detection of any
8 unauthorized activity on private or governmental property.

9 (3) The protection of persons authorized to be on the
10 premises of the person, firm, or other entity for which the
11 security contractor contractually provides security
12 services.

13 (4) The prevention of the misappropriation or
14 concealment of goods, money, bonds, stocks, notes,
15 documents, or papers.

16 (5) The control, regulation, or direction of the
17 movement of the public for the time specifically required
18 for the protection of property owned or controlled by the
19 client.

20 (6) The protection of individuals from bodily harm or
21 death (bodyguard functions).

22 "Private security contractor agency" means a person, firm,
23 corporation, or other legal entity that engages in the private
24 security contractor business and that employs, in addition to
25 the licensee-in-charge, one or more persons in conducting such
26 business.

1 "Private security contractor licensee-in-charge" means a
2 person who has been designated by an agency to be the
3 licensee-in-charge of an agency, who is a full-time management
4 employee or owner who assumes sole responsibility for
5 maintaining all records required by this Act, and who assumes
6 sole responsibility for assuring the licensed agency's
7 compliance with its responsibilities as stated in this Act. The
8 Department shall adopt rules mandating licensee-in-charge
9 participation in agency affairs.

10 "Public member" means a person who is not a licensee or
11 related to a licensee, or who is not an employer or employee of
12 a licensee. The term "related to" shall be determined by the
13 rules of the Department.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 (Source: P.A. 93-438, eff. 8-5-03.)

17 (225 ILCS 447/10-5)

18 (Section scheduled to be repealed on January 1, 2014)

19 Sec. 10-5. Requirement of license.

20 (a) It is unlawful for a person to act as or provide the
21 functions of a private detective, private security contractor,
22 private alarm contractor, fingerprint vendor, or locksmith or
23 to advertise or to assume to act as any one of these, or to use
24 these or any other title implying that the person is engaged in
25 any of these activities unless licensed as such by the

1 Department. An individual or sole proprietor who does not
2 employ any employees other than himself or herself may operate
3 under a "doing business as" or assumed name certification
4 without having to obtain an agency license, so long as the
5 assumed name is first registered with the Department.

6 (b) It is unlawful for a person, firm, corporation, or
7 other legal entity to act as an agency licensed under this Act,
8 to advertise, or to assume to act as a licensed agency or to
9 use a title implying that the person, firm, or other entity is
10 engaged in the practice as a private detective agency, private
11 security contractor agency, private alarm contractor agency,
12 fingerprint vendor agency, or locksmith agency unless licensed
13 by the Department.

14 (c) No agency shall operate a branch office without first
15 applying for and receiving a branch office license for each
16 location.

17 (d) Beginning 12 months after the adoption of rules
18 providing for the licensure of fingerprint vendors under this
19 Act, it is unlawful for a person to operate live scan
20 fingerprint equipment or other equipment designed to obtain
21 fingerprint images for the purpose of providing fingerprint
22 images and associated demographic data to the Department of
23 State Police, unless he or she has successfully completed a
24 fingerprint training course conducted or authorized by the
25 Department of State Police and is licensed as a fingerprint
26 vendor.

1 (e) Beginning 12 months after the adoption of rules
2 providing for the licensure of canine handlers and canine
3 trainers under this Act, no person shall operate a canine
4 training facility unless licensed as a private detective agency
5 or private security contractor agency under this Act, and no
6 person shall act as a canine trainer unless he or she is
7 licensed as a private detective or private security contractor
8 or is a registered employee of a private detective agency or
9 private security contractor agency approved by the Department.

10 (Source: P.A. 93-438, eff. 8-5-03.)

11 (225 ILCS 447/10-10)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 10-10. General exemptions. This Act does not apply to
14 any of the following:

15 (1) A person, firm, or corporation engaging in fire
16 protection engineering, including the design, testing, and
17 inspection of fire protection systems.

18 (2) The practice of professional engineering as
19 defined in the Professional Engineering Practice Act of
20 1989.

21 (3) The practice of structural engineering as defined
22 in the Structural Engineering Practice Act of 1989.

23 (4) The practice of architecture as defined in the
24 Illinois Architecture Practice Act of 1989.

25 (5) The activities of persons or firms licensed under

1 the Illinois Public Accounting Act if performed in the
2 course of their professional practice.

3 (6) An attorney licensed to practice in Illinois while
4 engaging in the practice of law.

5 (7) A person engaged exclusively and employed by a
6 person, firm, association, or corporation in the business
7 of transporting persons or property in interstate commerce
8 and making an investigation related to the business of that
9 employer.

10 (8) A person who provides canine odor detection
11 services to a unit of federal, State, or local government
12 on an emergency call-out or volunteer and not-for-hire
13 basis.

14 (Source: P.A. 93-438, eff. 8-5-03.)

15 (225 ILCS 447/10-25)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 10-25. Issuance of license; renewal; fees.

18 (a) The Department shall, upon the applicant's
19 satisfactory completion of the requirements set forth in this
20 Act and upon receipt of the fee, issue the license indicating
21 the name and business location of the licensee and the date of
22 expiration.

23 (b) An applicant may, upon satisfactory completion of the
24 requirements set forth in this Act and upon receipt of fees
25 related to the application and testing for licensure, elect to

1 defer the issuance of the applicant's initial license for a
2 period not longer than 6 years. An applicant who fails to
3 request issuance of his or her initial license or agency
4 license and to remit the fees required for that license within
5 6 years shall be required to resubmit an application together
6 with all required fees.

7 (c) The expiration date, renewal period, and conditions for
8 renewal and restoration of each license, permanent employee
9 registration card, canine handler authorization card, canine
10 trainer authorization card, and firearm control ~~authorization~~
11 card shall be set by rule. The holder may renew the license,
12 permanent employee registration card, canine handler
13 authorization card, canine trainer authorization card, or
14 firearm control ~~authorization~~ card during the 30 days preceding
15 its expiration by paying the required fee and by meeting
16 conditions that the Department may specify. Any license holder
17 who notifies the Department on forms prescribed by the
18 Department may place his or her license on inactive status for
19 a period of not longer than 6 years and shall, subject to the
20 rules of the Department, be excused from payment of renewal
21 fees until the license holder notifies the Department, in
22 writing, of an intention to resume active status. Practice
23 while on inactive status constitutes unlicensed practice. A
24 non-renewed license that has lapsed for less than 6 years may
25 be restored upon payment of the restoration fee and all lapsed
26 renewal fees. A license that has lapsed for more than 6 years

1 may be restored by paying the required restoration fee and all
2 lapsed renewal fees and by providing evidence of competence to
3 resume practice satisfactory to the Department and the Board,
4 which may include passing a written examination. All
5 restoration fees and lapsed renewal fees shall be waived for an
6 applicant whose license lapsed while on active duty in the
7 armed forces of the United States if application for
8 restoration is made within 12 months after discharge from the
9 service.

10 Any person seeking renewal or restoration under this
11 subsection (c) shall be subject to the continuing education
12 requirements established pursuant to Section 10-27 of this Act.

13 (d) Any permanent employee registration card expired for
14 less than one year may be restored upon payment of lapsed
15 renewal fees. Any permanent employee registration card expired
16 for one year or more may be restored by making application to
17 the Department and filing proof acceptable to the Department of
18 the licensee's fitness to have the permanent employee
19 registration card restored, including verification of
20 fingerprint processing through the Department of State Police
21 and Federal Bureau of Investigation and paying the restoration
22 fee.

23 (Source: P.A. 93-438, eff. 8-5-03.)

24 (225 ILCS 447/10-27 new)

25 (Section scheduled to be repealed on January 1, 2014)

1 Sec. 10-27. Continuing education. The Department may adopt
2 rules of continuing education for persons licensed under this
3 Act. The Department shall consider the recommendations of the
4 Board in establishing guidelines for the continuing education
5 requirements.

6 (225 ILCS 447/10-30)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 10-30. Unlawful acts. It is unlawful for a licensee or
9 an employee of a licensed agency:

10 (1) Upon termination of employment by the agency, to
11 fail to return upon demand or within 72 hours of
12 termination of employment any firearm issued by the
13 employer together with the employee's firearm control
14 ~~authorization~~ card.

15 (2) Upon termination of employment by the agency, to
16 fail to return within 72 hours of termination of employment
17 any uniform, badge, identification card, or equipment
18 issued, but not sold, to the employee by the agency.

19 (3) To falsify the employee's statement required by
20 this Act.

21 (4) To have a badge, shoulder patch, or any other
22 identification that contains the words "law enforcement".
23 In addition, no license holder or employee of a licensed
24 agency shall in any manner imply that the person is an
25 employee or agent of a governmental agency or display a

1 badge or identification card, emblem, or uniform citing the
2 words "police", "sheriff", "highway patrol trooper", or
3 "law enforcement".

4 (Source: P.A. 93-438, eff. 8-5-03.)

5 (225 ILCS 447/15-10)

6 (Section scheduled to be repealed January 1, 2014)

7 Sec. 15-10. Qualifications for licensure as a private
8 detective.

9 (a) A person is qualified for licensure as a private
10 detective if he or she meets all of the following requirements:

11 (1) Is at least 21 years of age.

12 (2) Has not been convicted of any felony in any
13 jurisdiction or at least 10 years have elapsed since the
14 time of full discharge from a sentence imposed for a felony
15 conviction.

16 (3) Is of good moral character. Good character is a
17 continuing requirement of licensure. Conviction of crimes
18 other than felonies may be used in determining moral
19 character, but shall not constitute an absolute bar to
20 licensure.

21 (4) Has not been declared by any court of competent
22 jurisdiction to be incompetent by reason of mental or
23 physical defect or disease, unless a court has subsequently
24 declared him or her to be competent.

25 (5) Is not suffering from dependence on alcohol or from

1 narcotic addiction or dependence.

2 (6) Has a minimum of 3 years experience of the 5 years
3 immediately preceding application working full-time for a
4 licensed private detective agency as a registered private
5 detective agency employee or with 3 years experience of the
6 5 years immediately preceding his or her application
7 employed as a full-time investigator for a licensed
8 attorney or in a law enforcement agency of a federal or
9 state political subdivision, which shall include a state's
10 attorney's office or a public defender's office. The Board
11 and the Department shall approve such full-time
12 investigator experience. An applicant who has a
13 baccalaureate degree, or higher, in law enforcement or a
14 related field or a business degree from an accredited
15 college or university shall be given credit for 2 of the 3
16 years of the required experience. An applicant who has an
17 associate degree in law enforcement or in a related field
18 or in business from an accredited college or university
19 shall be given credit for one of the 3 years of the
20 required experience.

21 (7) Has not been dishonorably discharged from the armed
22 forces of the United States or has not been discharged from
23 a law enforcement agency of the United States or of any
24 state or of any political subdivision thereof, which shall
25 include a state's attorney's office, for reasons relating
26 to his or her conduct as an employee of that law

1 enforcement agency.

2 (8) Has passed an examination authorized by the
3 Department.

4 (9) Submits his or her fingerprints, proof of having
5 general liability insurance required under subsection (b),
6 and the required license fee.

7 (10) Has not violated Section 10-5 of this Act.

8 (b) It is the responsibility of the applicant to obtain
9 general liability insurance in an amount and coverage
10 appropriate for the applicant's circumstances as determined by
11 rule. The applicant shall provide evidence of insurance to the
12 Department before being issued a license. Failure to maintain
13 general liability insurance and to provide the Department with
14 written proof of the insurance shall result in cancellation of
15 the license.

16 (c) Any person who has been providing canine odor detection
17 services for hire prior to January 1, 2005 is exempt from the
18 requirements of item (6) of subsection (a) of this Section and
19 may be granted a private detective license if (i) he or she
20 meets the requirements of items (1) through (5) and items (7)
21 through (10) of subsection (a) of this Section, (ii) pays all
22 applicable fees, and (iii) presents satisfactory evidence to
23 the Department of the provision of canine odor detection
24 services for hire since January 1, 2005.

25 (Source: P.A. 93-438, eff. 8-5-03.)

1 (225 ILCS 447/15-15)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 15-15. Qualifications for licensure as a private
4 detective agency.

5 (a) Upon receipt of the required fee and proof that the
6 applicant has a full-time Illinois licensed private
7 detective-in-charge, which is a continuing requirement for
8 agency licensure, the Department shall issue a license as a
9 private detective agency to any of the following:

10 (1) An individual who submits an application and is a
11 licensed private detective under this Act.

12 (2) A firm that submits an application and all of the
13 members of the firm are licensed private detectives under
14 this Act.

15 (3) A corporation or limited liability company doing
16 business in Illinois that is authorized ~~by its articles of~~
17 ~~incorporation or organization~~ to engage in the business of
18 conducting a private detective agency, provided at least
19 one full-time executive employee is licensed as a private
20 detective under this Act and all unlicensed officers and
21 directors of the corporation or limited liability company
22 are determined by the Department to be persons of good
23 moral character.

24 (b) No private detective may be the licensee-in-charge for
25 more than one private detective agency. Upon written request by
26 a representative of an agency, within 10 days after the loss of

1 a licensee-in-charge of an agency because of the death of that
2 individual or because of the termination of the employment of
3 that individual, the Department shall issue a temporary
4 certificate of authority allowing the continuing operation of
5 the licensed agency. No temporary certificate of authority
6 shall be valid for more than 90 days. An extension of an
7 additional 90 days may be granted upon written request by the
8 representative of the agency. Not more than 2 extensions may be
9 granted to any agency. No temporary permit shall be issued for
10 a loss of the licensee-in-charge because of disciplinary action
11 by the Department related to his or her conduct on behalf of
12 the agency.

13 (Source: P.A. 93-438, eff. 8-5-03.)

14 (225 ILCS 447/15-25)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 15-25. Training; private detective and employees.

17 (a) Registered employees of a private detective agency
18 shall complete, within 30 days of their employment, a minimum
19 of 20 hours of training provided by a qualified instructor. The
20 substance of the training shall be related to the work
21 performed by the registered employee and shall include relevant
22 information as to the identification of terrorists, acts of
23 terrorism, and terrorist organizations, as defined by federal
24 and State statutes.

25 (b) It is the responsibility of the employer to certify, on

1 a form provided by the Department, that the employee has
2 successfully completed the training. The form shall be a
3 permanent record of training completed by the employee and
4 shall be placed in the employee's file with the employer for
5 the period the employee remains with the employer. An agency
6 may place a notarized copy of the Department form in lieu of
7 the original into the permanent employee registration card
8 file. The original form shall be given to the employee when his
9 or her employment is terminated. Failure to return the original
10 form to the employee is grounds for disciplinary action. The
11 employee shall not be required to repeat the required training
12 once the employee has been issued the form. An employer may
13 provide or require additional training.

14 (c) Any certification of completion of the 20-hour basic
15 training issued under the Private Detective, Private Alarm,
16 Private Security, and Locksmith Act of 1993 or any prior Act
17 shall be accepted as proof of training under this Act.

18 (Source: P.A. 93-438, eff. 8-5-03.)

19 (225 ILCS 447/20-10)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 20-10. Qualifications for licensure as a private alarm
22 contractor.

23 (a) A person is qualified for licensure as a private alarm
24 contractor if he or she meets all of the following
25 requirements:

1 (1) Is at least 21 years of age.

2 (2) Has not been convicted of any felony in any
3 jurisdiction or at least 10 years have elapsed since the
4 time of full discharge from a sentence imposed for a felony
5 conviction.

6 (3) Is of good moral character. Good moral character is
7 a continuing requirement of licensure. Conviction of
8 crimes other than felonies may be used in determining moral
9 character, but shall not constitute an absolute bar to
10 licensure.

11 (4) Has not been declared by any court of competent
12 jurisdiction to be incompetent by reason of mental or
13 physical defect or disease, unless a court has subsequently
14 declared him or her to be competent.

15 (5) Is not suffering from dependence on alcohol or from
16 narcotic addiction or dependence.

17 (6) Has (i) a minimum of 3 years experience of the 5
18 years immediately preceding application working as a
19 full-time manager for a licensed private alarm contractor
20 agency or for an entity that designs, sells, installs,
21 services, or monitors alarm systems that, in the judgment
22 of the Board, satisfies the standards of alarm industry
23 competence or (ii) has a minimum of 10 years experience
24 working for a licensed private alarm contractor agency or
25 for an entity that designs, sells, installs, services, or
26 monitors alarm systems that, in the judgment of the Board,

1 satisfies the standards of alarm industry competence, has
2 successfully completed a National Institute for
3 Certification of Engineering Technologies (NICET) level 2
4 certification examination, and applies on or before July,
5 1, 2007. An applicant who has received a 4-year degree or
6 higher in electrical engineering or a related field from a
7 program approved by the Board shall be given credit for 2
8 years of the required experience. An applicant who has
9 successfully completed a national certification program
10 approved by the Board shall be given credit for one year of
11 the required experience.

12 (7) Has not been dishonorably discharged from the armed
13 forces of the United States.

14 (8) Has passed an examination authorized by the
15 Department.

16 (9) Submits his or her fingerprints, proof of having
17 general liability insurance required under subsection (c),
18 and the required license fee.

19 (10) Has not violated Section 10-5 of this Act.

20 (b) (Blank). ~~A person is qualified to receive a license as~~
21 ~~a private alarm contractor without meeting the requirement of~~
22 ~~item (8) of subsection (a) if he or she:~~

23 ~~(1) applies for a license between September 2, 2003 and~~
24 ~~September 5, 2003 in writing on forms supplied by the~~
25 ~~Department;~~

26 ~~(2) provides proof of ownership of a licensed alarm~~

1 ~~contractor agency; and~~

2 ~~(3) provides proof of at least 7 years of experience in~~
3 ~~the installation, design, sales, repair, maintenance,~~
4 ~~alteration, or service of alarm systems or any other low~~
5 ~~voltage electronic systems.~~

6 (c) It is the responsibility of the applicant to obtain
7 general liability insurance in an amount and coverage
8 appropriate for the applicant's circumstances as determined by
9 rule. The applicant shall provide evidence of insurance to the
10 Department before being issued a license. Failure to maintain
11 general liability insurance and to provide the Department with
12 written proof of the insurance shall result in cancellation of
13 the license.

14 (Source: P.A. 93-438, eff. 8-5-03.)

15 (225 ILCS 447/20-20)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 20-20. Training; private alarm contractor and
18 employees.

19 (a) Registered employees of the private alarm contractor
20 agency who carry a firearm and respond to alarm systems shall
21 complete, within 30 days of their employment, a minimum of 20
22 hours of classroom training provided by a qualified instructor
23 and shall include all of the following subjects:

24 (1) The law regarding arrest and search and seizure as
25 it applies to the private alarm industry.

1 (2) Civil and criminal liability for acts related to
2 the private alarm industry.

3 (3) The use of force, including but not limited to the
4 use of nonlethal force (i.e., disabling spray, baton,
5 stungun, or similar weapon).

6 (4) Arrest and control techniques.

7 (5) The offenses under the Criminal Code of 1961 that
8 are directly related to the protection of persons and
9 property.

10 (6) The law on private alarm forces and on reporting to
11 law enforcement agencies.

12 (7) Fire prevention, fire equipment, and fire safety.

13 (8) Civil rights and public relations.

14 (9) The identification of terrorists, acts of
15 terrorism, and terrorist organizations, as defined by
16 federal and State statutes.

17 (b) All other employees of a private alarm contractor
18 agency shall complete a minimum of 20 hours of training
19 provided by a qualified instructor within 30 days of their
20 employment. The substance of the training shall be related to
21 the work performed by the registered employee.

22 (c) It is the responsibility of the employer to certify, on
23 forms provided by the Department, that the employee has
24 successfully completed the training. The form shall be a
25 permanent record of training completed by the employee and
26 shall be placed in the employee's file with the employer for

1 the term the employee is retained by the employer. A private
2 alarm contractor agency may place a notarized copy of the
3 Department form in lieu of the original into the permanent
4 employee registration card file. The form shall be returned to
5 the employee when his or her employment is terminated. Failure
6 to return the form to the employee is grounds for discipline.
7 The employee shall not be required to complete the training
8 required under this Act once the employee has been issued a
9 form.

10 (d) Nothing in this Act prevents any employer from
11 providing or requiring additional training beyond the required
12 20 hours that the employer feels is necessary and appropriate
13 for competent job performance.

14 (e) Any certification of completion of the 20-hour basic
15 training issued under the Private Detective, Private Alarm,
16 Private Security, and Locksmith Act of 1993 or any prior Act
17 shall be accepted as proof of training under this Act.

18 (Source: P.A. 93-438, eff. 8-5-03.)

19 (225 ILCS 447/25-10)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 25-10. Qualifications for licensure as a private
22 security contractor.

23 (a) A person is qualified for licensure as a private
24 security contractor if he or she meets all of the following
25 requirements:

1 (1) Is at least 21 years of age.

2 (2) Has not been convicted of any felony in any
3 jurisdiction or at least 10 years have elapsed since the
4 time of full discharge from a sentence imposed for a felony
5 conviction.

6 (3) Is of good moral character. Good character is a
7 continuing requirement of licensure. Conviction of crimes
8 other than felonies may be used in determining moral
9 character, but shall not constitute an absolute bar to
10 licensure.

11 (4) Has not been declared by any court of competent
12 jurisdiction to be incompetent by reason of mental or
13 physical defect or disease, unless a court has subsequently
14 declared him or her to be competent.

15 (5) Is not suffering from dependence on alcohol or from
16 narcotic addiction or dependence.

17 (6) Has a minimum of 3 years experience of the 5 years
18 immediately preceding application working as a full-time
19 manager for a licensed private security contractor agency
20 or a manager of a proprietary security force of 30 or more
21 persons registered with the Department or with 3 years
22 experience of the 5 years immediately preceding his or her
23 application employed as a full-time supervisor in a law
24 enforcement agency of a federal or state political
25 subdivision, which shall include a state's attorney's
26 office or public defender's office. The Board and the

1 Department shall approve such full-time supervisory
2 experience. An applicant who has a baccalaureate degree or
3 higher in police science or a related field or a business
4 degree from an accredited college or university shall be
5 given credit for 2 of the 3 years of the required
6 experience. An applicant who has an associate degree in
7 police science or in a related field or in business from an
8 accredited college or university shall be given credit for
9 one of the 3 years of the required experience.

10 (7) Has not been dishonorably discharged from the armed
11 forces of the United States.

12 (8) Has passed an examination authorized by the
13 Department.

14 (9) Submits his or her fingerprints, proof of having
15 general liability insurance required under subsection (b),
16 and the required license fee.

17 (10) Has not violated Section 10-5 of this Act.

18 (b) It is the responsibility of the applicant to obtain
19 general liability insurance in an amount and coverage
20 appropriate for the applicant's circumstances as determined by
21 rule. The applicant shall provide evidence of insurance to the
22 Department before being issued a license. Failure to maintain
23 general liability insurance and to provide the Department with
24 written proof of the insurance shall result in cancellation of
25 the license.

26 (c) Any person who has been providing canine odor detection

1 services for hire prior to January 1, 2005 is exempt from the
2 requirements of item (6) of subsection (a) of this Section and
3 may be granted a private security contractor license if (i) he
4 or she meets the requirements of items (1) through (5) and
5 items (7) through (10) of subsections (a) of this Section, (ii)
6 pays all applicable fees, and (iii) presents satisfactory
7 evidence to the Department of the provision of canine order
8 detection services for hire since January 1, 2005.

9 (Source: P.A. 93-438, eff. 8-5-03.)

10 (225 ILCS 447/25-15)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 25-15. Qualifications for licensure as a private
13 security contractor agency.

14 (a) Upon receipt of the required fee and proof that the
15 applicant has a full-time Illinois licensed private security
16 contractor-in-charge, which is a continuing requirement for
17 agency licensure, the Department shall issue a license as a
18 private security contractor agency to any of the following:

19 (1) An individual who submits an application and is a
20 licensed private security contractor under this Act.

21 (2) A firm that submits an application and all of the
22 members of the firm are licensed private security
23 contractors under this Act.

24 (3) A corporation or limited liability company doing
25 business in Illinois that is authorized ~~by its articles of~~

1 ~~incorporation or organization~~ to engage in the business of
2 conducting a private security contractor agency if at least
3 one officer or executive employee is licensed as a private
4 security contractor under this Act and all unlicensed
5 officers and directors of the corporation or limited
6 liability company are determined by the Department to be
7 persons of good moral character.

8 (b) No private security contractor may be the private
9 security contractor licensee-in-charge for more than one
10 private security contractor agency. Upon written request by a
11 representative of the agency, within 10 days after the loss of
12 a private security contractor licensee-in-charge of an agency
13 because of the death of that individual or because of the
14 termination of the employment of that individual, the
15 Department shall issue a temporary certificate of authority
16 allowing the continuing operation of the licensed agency. No
17 temporary certificate of authority shall be valid for more than
18 90 days. An extension of an additional 90 days may be granted
19 upon written request by the representative of the agency. Not
20 more than 2 extensions may be granted to any agency. No
21 temporary permit shall be issued for loss of the
22 licensee-in-charge because of disciplinary action by the
23 Department related to his or her conduct on behalf of the
24 agency.

25 (Source: P.A. 93-438, eff. 8-5-03.)

1 (225 ILCS 447/25-20)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 25-20. Training; private security contractor and
4 employees.

5 (a) Registered employees of the private security
6 contractor agency who provide traditional guarding or other
7 private security related functions or who respond to alarm
8 systems shall complete, within 30 days of their employment, a
9 minimum of 20 hours of classroom basic training provided by a
10 qualified instructor, which shall include the following
11 subjects:

12 (1) The law regarding arrest and search and seizure as
13 it applies to private security.

14 (2) Civil and criminal liability for acts related to
15 private security.

16 (3) The use of force, including but not limited to the
17 use of nonlethal force (i.e., disabling spray, baton,
18 stungun or similar weapon).

19 (4) Arrest and control techniques.

20 (5) The offenses under the Criminal Code of 1961 that
21 are directly related to the protection of persons and
22 property.

23 (6) The law on private security forces and on reporting
24 to law enforcement agencies.

25 (7) Fire prevention, fire equipment, and fire safety.

26 (8) The procedures for service of process and for

1 report writing.

2 (9) Civil rights and public relations.

3 (10) The identification of terrorists, acts of
4 terrorism, and terrorist organizations, as defined by
5 federal and State statutes.

6 (b) All other employees of a private security contractor
7 agency shall complete a minimum of 20 hours of training
8 provided by the qualified instructor within 30 days of their
9 employment. The substance of the training shall be related to
10 the work performed by the registered employee.

11 (c) Registered employees of the private security
12 contractor agency who provide guarding or other private
13 security related functions, in addition to the classroom
14 training required under subsection (a), within 6 months of
15 their employment, shall complete an additional 8 hours of
16 training on subjects to be determined by the employer, which
17 training may be site-specific and may be conducted on the job.

18 (d) In addition to the basic training provided for in
19 subsections (a) and (c), registered employees of the private
20 security contractor agency who provide guarding or other
21 private security related functions shall complete an
22 additional 8 hours of refresher training on subjects to be
23 determined by the employer each calendar year commencing with
24 the calendar year following the employee's first employment
25 anniversary date, which refresher training may be
26 site-specific and may be conducted on the job.

1 (e) It is the responsibility of the employer to certify, on
2 a form provided by the Department, that the employee has
3 successfully completed the basic and refresher training. The
4 form shall be a permanent record of training completed by the
5 employee and shall be placed in the employee's file with the
6 employer for the period the employee remains with the employer.
7 An agency may place a notarized copy of the Department form in
8 lieu of the original into the permanent employee registration
9 card file. The original form shall be given to the employee
10 when his or her employment is terminated. Failure to return the
11 original form to the employee is grounds for disciplinary
12 action. The employee shall not be required to repeat the
13 required training once the employee has been issued the form.
14 An employer may provide or require additional training.

15 (f) Any certification of completion of the 20-hour basic
16 training issued under the Private Detective, Private Alarm,
17 Private Security and Locksmith Act of 1993 or any prior Act
18 shall be accepted as proof of training under this Act.

19 (Source: P.A. 93-438, eff. 8-5-03.)

20 (225 ILCS 447/25-30)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 25-30. Uniforms.

23 (a) No licensee under this Act or any employee of a
24 licensed agency shall wear or display a badge, shoulder patch
25 or other identification that contains the words "law

1 enforcement". No license holder or employee of a licensed
2 agency shall imply in any manner that the person is an employee
3 or agent of a governmental entity, display a badge or
4 identification card, emblem, or uniform using the words
5 "police", "sheriff", "highway patrol", "trooper", "law
6 enforcement" or any similar term.

7 (b) All military-style uniforms, if worn, by employees of a
8 licensed private security contractor agency, must bear the name
9 of the private security contractor agency, which shall be
10 plainly visible on a patch, badge, or other insignia.

11 (c) All uniforms, if worn by employees of a licensed
12 private security contractor agency, may only be worn in the
13 performance of their duties or while commuting directly to or
14 from the employee's place or places of employment, provided
15 this is accomplished within one hour from departure from home
16 or place of employment.

17 (Source: P.A. 93-438, eff. 8-5-03.)

18 (225 ILCS 447/30-15)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 30-15. Qualifications for licensure as a locksmith
21 agency.

22 (a) Upon receipt of the required fee and proof that the
23 applicant is an Illinois licensed locksmith who shall assume
24 responsibility for the operation of the agency and the directed
25 actions of the agency's employees, which is a continuing

1 requirement for agency licensure, the Department shall issue a
2 license as a locksmith agency to any of the following:

3 (1) An individual who submits an application and is a
4 licensed locksmith under this Act.

5 (2) A firm that submits an application and all of the
6 members of the firm are licensed locksmiths under this Act.

7 (3) A corporation or limited liability company doing
8 business in Illinois that is authorized ~~by its articles of~~
9 ~~incorporation or organization~~ to engage in the business of
10 conducting a locksmith agency if at least one officer or
11 executive employee is a licensed locksmith under this Act
12 and all unlicensed officers and directors of the
13 corporation or limited liability company are determined by
14 the Department to be persons of good moral character.

15 (b) An individual licensed as a locksmith operating under a
16 business name other than the licensed locksmith's own name
17 shall not be required to obtain a locksmith agency license if
18 that licensed locksmith does not employ any persons to engage
19 in the practice of locksmithing and registers under the Assumed
20 Business Name Act.

21 (c) No locksmith may be the locksmith licensee in-charge
22 for more than one locksmith agency. Upon written request by a
23 representative of the agency, within 10 days after the loss of
24 a locksmith-in-charge of an agency because of the death of that
25 individual or because of the termination of the employment of
26 that individual, the Department shall issue a temporary

1 certificate of authority allowing the continuing operation of
2 the licensed agency. No temporary certificate of authority
3 shall be valid for more than 90 days. An extension of an
4 additional 90 days may be granted upon written request by the
5 representative of the agency. Not more than 2 extensions may be
6 granted to any agency. No temporary permit shall be issued for
7 loss of the licensee-in-charge because of disciplinary action
8 by the Department related to his or her conduct on behalf of
9 the agency.

10 (Source: P.A. 93-438, eff. 8-5-03.)

11 (225 ILCS 447/Art. 31 heading new)

12 ARTICLE 31. FINGERPRINT VENDORS.

13 (225 ILCS 447/31-5 new)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 31-5. Exemptions. The provisions of this Act regarding
16 fingerprint vendors do not apply to any of the following, if
17 the person performing the service does not hold himself or
18 herself out as a fingerprint vendor or fingerprint vendor
19 agency:

20 (1) An employee of the United States, Illinois, or a
21 political subdivision, including public school districts,
22 of either while the employee is engaged in the performance
23 of his or her official duties within the scope of his or
24 her employment. However, any such person who offers his or

1 her services as a fingerprint vendor or uses a similar
2 title when these services are performed for compensation or
3 other consideration, whether received directly or
4 indirectly, is subject to this Act.

5 (2) A person employed exclusively by only one employer
6 in connection with the exclusive activities of that
7 employer, provided that person does not hold himself or
8 herself out to the public as a fingerprint vendor.

9 (225 ILCS 447/31-10 new)

10 (Section scheduled to be repealed on January 1, 2014)

11 Sec. 31-10. Qualifications for licensure as a fingerprint
12 vendor.

13 (a) A person is qualified for licensure as a fingerprint
14 vendor if he or she meets all of the following requirements:

15 (1) Is at least 18 years of age.

16 (2) Has not been convicted of any felony in any
17 jurisdiction or at least 10 years have elapsed since the
18 time of full discharge from a sentence imposed for a felony
19 conviction.

20 (3) Is of good moral character. Good moral character is
21 a continuing requirement of licensure. Conviction of
22 crimes other than felonies may be used in determining moral
23 character, but shall not constitute an absolute bar to
24 licensure, except where the applicant is a registered sex
25 offender.

1 (4) Has not been declared by any court of competent
2 jurisdiction to be incompetent by reason of mental or
3 physical defect or disease, unless a court has subsequently
4 declared him or her to be competent.

5 (5) Is not suffering from dependence on alcohol or from
6 narcotic addiction or dependence.

7 (6) Has not been dishonorably discharged from the armed
8 forces of the United States.

9 (7) Submits certification issued by the Department of
10 State Police that the applicant has successfully completed
11 a fingerprint vendor training course conducted or
12 authorized by the Department of State Police.

13 (8) Submits his or her fingerprints, in accordance with
14 subsection (b) of this Section.

15 (9) Has not violated any provision of this Act or any
16 rule adopted under this Act.

17 (10) Provides evidence satisfactory to the Department
18 that the applicant has obtained general liability
19 insurance in an amount and with coverage as determined by
20 rule. Failure to maintain general liability insurance and
21 failure to provide the Department with written proof of the
22 insurance, upon request, shall result in cancellation of
23 the license without hearing. A fingerprint vendor employed
24 by a licensed fingerprint vendor agency may provide proof
25 that his or her actions as a fingerprint vendor are covered
26 by the liability insurance of his or her employer.

1 (11) Pays the required licensure fee.

2 (12) Submits certification issued by the Department of
3 State Police that the applicant's fingerprinting equipment
4 and software meets all specifications required by the
5 Department of State Police. Compliance with Department of
6 State Police fingerprinting equipment and software
7 specifications is a continuing requirement for licensure.

8 (13) Submits proof that the applicant maintains a
9 business office located in the State of Illinois.

10 (b) Each applicant for a fingerprint vendor license shall
11 have his or her fingerprints submitted to the Department of
12 State Police in an electronic format that complies with the
13 form and manner for requesting and furnishing criminal history
14 record information as prescribed by the Department of State
15 Police. These fingerprints shall be checked against the
16 Department of State Police and Federal Bureau of Investigation
17 criminal history record databases now and hereafter filed. The
18 Department of State Police shall charge applicants a fee for
19 conducting the criminal history records check, which shall be
20 deposited in the State Police Services Fund and shall not
21 exceed the actual cost of the records check. The Department of
22 State Police shall furnish, pursuant to positive
23 identification, records of Illinois convictions to the
24 Department. The Department may require applicants to pay a
25 separate fingerprinting fee, either to the Department or
26 directly to the vendor. The Department, in its discretion, may

1 allow an applicant who does not have reasonable access to a
2 designated vendor to provide his or her fingerprints in an
3 alternative manner. The Department, in its discretion, may also
4 use other procedures in performing or obtaining criminal
5 background checks of applicants. Instead of submitting his or
6 her fingerprints, an individual may submit proof that is
7 satisfactory to the Department that an equivalent security
8 clearance has been conducted. Also, an individual who has
9 retired as a peace officer within 12 months of application may
10 submit verification, on forms provided by the Department and
11 signed by his or her employer, of his or her previous full-time
12 employment as a peace officer.

13 (225 ILCS 447/31-15 new)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 31-15. Qualifications for licensure as a fingerprint
16 vendor agency.

17 (a) Upon receipt of the required fee and proof that the
18 applicant is an Illinois licensed fingerprint vendor who shall
19 assume responsibility for the operation of the agency and the
20 directed actions of the agency's employees, which is a
21 continuing requirement for agency licensure, the Department
22 may issue a license as a fingerprint vendor agency to any of
23 the following:

24 (1) An individual who submits an application and is a
25 licensed fingerprint vendor under this Act.

1 (2) A firm that submits an application and all of the
2 members of the firm are licensed fingerprint vendors under
3 this Act.

4 (3) A corporation or limited liability company doing
5 business in Illinois that is authorized to engage in the
6 business of conducting a fingerprint vendor agency if at
7 least one officer or executive employee is a licensed
8 fingerprint vendor under this Act and all unlicensed
9 officers and directors of the corporation or limited
10 liability company are determined by the Department to be
11 persons of good moral character.

12 (b) An individual licensed as a fingerprint vendor
13 operating under a business name other than the licensed
14 fingerprint vendor's own name shall not be required to obtain a
15 fingerprint vendor agency license if that licensed fingerprint
16 vendor does not employ any persons to provide fingerprinting
17 services.

18 (c) No fingerprint vendor may be the fingerprint vendor
19 licensee-in-charge for more than one fingerprint vendor
20 agency. Upon written request by a representative of the agency,
21 within 10 days after the loss of a fingerprint vendor
22 licensee-in-charge of an agency because of the death of that
23 individual or because of the termination of the employment of
24 that individual, the Department shall issue a temporary
25 certificate of authority allowing the continuing operation of
26 the licensed agency. No temporary certificate of authority

1 shall be valid for more than 90 days. An extension of an
2 additional 90 days may be granted upon written request by the
3 representative of the agency. Not more than one extension may
4 be granted to any agency. No temporary permit shall be issued
5 for loss of the licensee-in-charge because of disciplinary
6 action by the Department related to his or her conduct on
7 behalf of the agency.

8 (225 ILCS 447/31-20 new)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 31-20. Training; fingerprint vendor and employees.

11 (a) Registered employees of a licensed Fingerprint Vendor
12 agency shall complete a minimum of 20 hours of training
13 provided by a qualified instructor within 30 days of their
14 employment. The substance of the training shall be prescribed
15 by rule.

16 (b) It is the responsibility of the employer to certify, on
17 a form provided by the Department, that the employee has
18 successfully completed the training. The form shall be a
19 permanent record of training completed by the employee and
20 shall be placed in the employee's file with the employer for
21 the period the employee remains with the employer. An agency
22 may place a notarized copy of the Department form, in lieu of
23 the original, into the permanent employee registration card
24 file. The original form shall be given to the employee when his
25 or her employment is terminated. Failure to return the original

1 form to the employee is grounds for disciplinary action. The
2 employee shall not be required to repeat the required training
3 once the employee has been issued the form. An employer may
4 provide or require additional training.

5 (c) Any certification of completion of the 20-hour basic
6 training issued under the Private Detective, Private Alarm,
7 Private Security, and Locksmith Act of 2004 or any prior Act
8 shall be accepted as proof of training under this Act.

9 (d) No registered employee of a licensed fingerprint vendor
10 agency may operate live scan fingerprint equipment or other
11 equipment designed to obtain fingerprint images for the purpose
12 of providing fingerprint images and associated demographic
13 data to the Department of State Police.

14 (225 ILCS 447/31-25 new)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 31-25. Customer identification; record keeping. A
17 fingerprint vendor or fingerprint vendor agency shall document
18 in the form of a work order when and where each and every
19 fingerprint service is provided. The work order shall also
20 include the name, address, date of birth, telephone number, and
21 driver's license number or other identification number of the
22 person requesting the service to be done, the signature of that
23 person, the routing number and any other information or
24 documentation as provided by rule. All work orders shall be
25 kept by the licensed fingerprint vendor for a period of 2 years

1 from the date of service and shall include the name and license
2 number of the fingerprint vendor and, if applicable, the name
3 and identification number of the registered employee who
4 performed the services. Work order forms required to be kept
5 under this Section shall be available for inspection by the
6 Department or by the Department of State Police.

7 (225 ILCS 447/31-30 new)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 31-30. Restrictions on firearms.

10 (a) Nothing in the Act or the rules adopted under this Act
11 shall authorize a person licensed as a fingerprint vendor or
12 any employee of a licensed fingerprint vendor agency to possess
13 or carry a firearm in the course of providing fingerprinting
14 services.

15 (b) Nothing in this Act or the rules adopted under this Act
16 shall grant or authorize the issuance of a firearm
17 authorization card to a fingerprint vendor or any employee of a
18 licensed fingerprint vendor agency.

19 (225 ILCS 447/35-10)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 35-10. Inspection of facilities. Each licensee shall
22 permit his or her office facilities, canine training
23 facilities, and registered employee files to be audited or
24 inspected at reasonable times and in a reasonable manner upon

1 at least 24 hours notice by the Department.

2 (Source: P.A. 93-438, eff. 8-5-03.)

3 (225 ILCS 447/35-25)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 35-25. Duplicate licenses. If a license, permanent
6 employee registration card, or firearm control ~~authorization~~
7 card is lost, a duplicate shall be issued upon proof of such
8 loss together with the payment of the required fee. If a
9 licensee decides to change his or her name, the Department
10 shall issue a license in the new name upon proof that the
11 change was done pursuant to law and payment of the required
12 fee. Notification of a name change shall be made to the
13 Department within 30 days after the change.

14 (Source: P.A. 93-438, eff. 8-5-03.)

15 (225 ILCS 447/35-30)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 35-30. Employee requirements. All employees of a
18 licensed agency, other than those exempted, shall apply for a
19 permanent employee registration card. The holder of an agency
20 license issued under this Act, known in this Section as
21 "employer", may employ in the conduct of his or her business
22 employees under the following provisions:

23 (a) ~~(1)~~ No person shall be issued a permanent employee
24 registration card who:

1 (1) ~~(A)~~ Is younger than 18 years of age.

2 (2) ~~(B)~~ Is younger than 21 years of age if the services
3 will include being armed.

4 (3) ~~(C)~~ Has been determined by the Department to be
5 unfit by reason of conviction of an offense in this or
6 another state, other than a traffic offense. The Department
7 shall adopt rules for making those determinations that
8 shall afford the applicant due process of law.

9 (4) ~~(D)~~ Has had a license or permanent employee
10 registration card denied, suspended, or revoked under this
11 Act (i) within one year before the date the person's
12 application for permanent employee registration card is
13 received by the Department; and (ii) that refusal, denial,
14 suspension, or revocation was based on any provision of
15 this Act other than Section 40-50, item (6) or (8) of
16 subsection (a) of Section 15-10, subsection (b) of Section
17 15-10, item (6) or (8) of subsection (a) of Section 20-10,
18 subsection (b) of Section 20-10, item (6) or (8) of
19 subsection (a) of Section 25-10, subsection (b) of Section
20 25-10, item (7) of subsection (a) of Section 30-10,
21 subsection (b) of Section 30-10, or Section 10-40.

22 (5) ~~(E)~~ Has been declared incompetent by any court of
23 competent jurisdiction by reason of mental disease or
24 defect and has not been restored.

25 (6) ~~(F)~~ Has been dishonorably discharged from the armed
26 services of the United States.

1 (b) ~~(2)~~ No person may be employed by a private detective
2 agency, private security contractor agency, private alarm
3 contractor agency, fingerprint vendor agency, or locksmith
4 agency under this Section until he or she has executed and
5 furnished to the employer, on forms furnished by the
6 Department, a verified statement to be known as "Employee's
7 Statement" setting forth:

8 (1) ~~(A)~~ The person's full name, age, and residence
9 address.

10 (2) ~~(B)~~ The business or occupation engaged in for the 5
11 years immediately before the date of the execution of the
12 statement, the place where the business or occupation was
13 engaged in, and the names of employers, if any.

14 (3) ~~(C)~~ That the person has not had a license or
15 employee registration denied, revoked, or suspended under
16 this Act (i) within one year before the date the person's
17 application for permanent employee registration card is
18 received by the Department; and (ii) that refusal, denial,
19 suspension, or revocation was based on any provision of
20 this Act other than Section 40-50, item (6) or (8) of
21 subsection (a) of Section 15-10, subsection (b) of Section
22 15-10, item (6) or (8) of subsection (a) of Section 20-10,
23 subsection (b) of Section 20-10, item (6) or (8) of
24 subsection (a) of Section 25-10, subsection (b) of Section
25 25-10, item (7) of subsection (a) of Section 30-10,
26 subsection (b) of Section 30-10, or Section 10-40.

1 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

2 (5) ~~(E)~~ Any declaration of incompetence by a court of
3 competent jurisdiction that has not been restored.

4 (6) ~~(F)~~ Any dishonorable discharge from the armed
5 services of the United States.

6 (7) ~~(G)~~ Any other information as may be required by any
7 rule of the Department to show the good character,
8 competency, and integrity of the person executing the
9 statement.

10 (c) Each applicant for a permanent employee registration
11 card shall have his or her fingerprints submitted to the
12 Department of State Police in an electronic format that
13 complies with the form and manner for requesting and furnishing
14 criminal history record information as prescribed by the
15 Department of State Police. These fingerprints shall be checked
16 against the Department of State Police and Federal Bureau of
17 Investigation criminal history record databases now and
18 hereafter filed. The Department of State Police shall charge
19 applicants a fee for conducting the criminal history records
20 check, which shall be deposited in the State Police Services
21 Fund and shall not exceed the actual cost of the records check.
22 The Department of State Police shall furnish, pursuant to
23 positive identification, records of Illinois convictions to
24 the Department. The Department may require applicants to pay a
25 separate fingerprinting fee, either to the Department or
26 directly to the vendor. The Department, in its discretion, may

1 allow an applicant who does not have reasonable access to a
2 designated vendor to provide his or her fingerprints in an
3 alternative manner. The Department, in its discretion, may also
4 use other procedures in performing or obtaining criminal
5 background checks of applicants. Instead of submitting his or
6 her fingerprints, an individual may submit proof that is
7 satisfactory to the Department that an equivalent security
8 clearance has been conducted. Also, an individual who has
9 retired as a peace officer within 12 months of application may
10 submit verification, on forms provided by the Department and
11 signed by his or her employer, of his or her previous full-time
12 employment as a peace officer.

13 (d) The Department shall issue a permanent employee
14 registration card, in a form the Department prescribes, to all
15 qualified applicants. The holder of a permanent employee
16 registration card shall carry the card at all times while
17 actually engaged in the performance of the duties of his or her
18 employment. Expiration and requirements for renewal of
19 permanent employee registration cards shall be established by
20 rule of the Department. Possession of a permanent employee
21 registration card does not in any way imply that the holder of
22 the card is employed by an agency unless the permanent employee
23 registration card is accompanied by the employee
24 identification card required by subsection (f) of this Section.

25 (e) Each employer shall maintain a record of each employee
26 that is accessible to the duly authorized representatives of

1 the Department. The record shall contain the following
2 information:

3 (1) A photograph taken within 10 days of the date that
4 the employee begins employment with the employer. The
5 photograph shall be replaced with a current photograph
6 every 3 calendar years.

7 (2) The Employee's Statement specified in subsection
8 (b) of this Section.

9 (3) All correspondence or documents relating to the
10 character and integrity of the employee received by the
11 employer from any official source or law enforcement
12 agency.

13 (4) In the case of former employees, the employee
14 identification card of that person issued under subsection
15 (f) of this Section. Each employee record shall duly note
16 if the employee is employed in an armed capacity. Armed
17 employee files shall contain a copy of an active firearm
18 owner's identification card and a copy of an active firearm
19 control ~~authorization~~ card. Each employer shall maintain a
20 record for each armed employee of each instance in which
21 the employee's weapon was discharged during the course of
22 his or her professional duties or activities. The record
23 shall be maintained on forms provided by the Department, a
24 copy of which must be filed with the Department within 15
25 days of an instance. The record shall include the date and
26 time of the occurrence, the circumstances involved in the

1 occurrence, and any other information as the Department may
2 require. Failure to provide this information to the
3 Department or failure to maintain the record as a part of
4 each armed employee's permanent file is grounds for
5 disciplinary action. The Department, upon receipt of a
6 report, shall have the authority to make any investigation
7 it considers appropriate into any occurrence in which an
8 employee's weapon was discharged and to take disciplinary
9 action as may be appropriate.

10 (5) The Department may, by rule, prescribe further
11 record requirements.

12 (f) Every employer shall furnish an employee
13 identification card to each of his or her employees. This
14 employee identification card shall contain a recent photograph
15 of the employee, the employee's name, the name and agency
16 license number of the employer, the employee's personal
17 description, the signature of the employer, the signature of
18 that employee, the date of issuance, and an employee
19 identification card number.

20 (g) No employer may issue an employee identification card
21 to any person who is not employed by the employer in accordance
22 with this Section or falsely state or represent that a person
23 is or has been in his or her employ. It is unlawful for an
24 applicant for registered employment to file with the Department
25 the fingerprints of a person other than himself or herself.

26 (h) Every employer shall obtain the identification card of

1 every employee who terminates employment with him or her.

2 (i) Every employer shall maintain a separate roster of the
3 names of all employees currently working in an armed capacity
4 and submit the roster to the Department on request.

5 (j) No agency may employ any person to perform a licensed
6 activity under this Act unless the person possesses a valid
7 permanent employee registration card or a valid license under
8 this Act, or is exempt pursuant to subsection (n).

9 (k) Notwithstanding the provisions of subsection (j), an
10 agency may employ a person in a temporary capacity if all of
11 the following conditions are met:

12 (1) The agency completes in its entirety and submits to
13 the Department an application for a permanent employee
14 registration card, including the required fingerprint
15 receipt and fees.

16 (2) The agency has verification from the Department
17 that the applicant has no record of any criminal conviction
18 pursuant to the criminal history check conducted by the
19 Department of State Police. The agency shall maintain the
20 verification of the results of the Department of State
21 Police criminal history check as part of the employee
22 record as required under subsection (e) of this Section.

23 (3) The agency exercises due diligence to ensure that
24 the person is qualified under the requirements of the Act
25 to be issued a permanent employee registration card.

26 (4) The agency maintains a separate roster of the names

1 of all employees whose applications are currently pending
2 with the Department and submits the roster to the
3 Department on a monthly basis. Rosters are to be maintained
4 by the agency for a period of at least 24 months.

5 An agency may employ only a permanent employee applicant
6 for which it either submitted a permanent employee application
7 and all required forms and fees or it confirms with the
8 Department that a permanent employee application and all
9 required forms and fees have been submitted by another agency,
10 licensee or the permanent employee and all other requirements
11 of this Section are met.

12 The Department shall have the authority to revoke, without
13 a hearing, the temporary authority of an individual to work
14 upon receipt of Federal Bureau of Investigation fingerprint
15 data or a report of another official authority indicating a
16 criminal conviction. If the Department has not received a
17 temporary employee's Federal Bureau of Investigation
18 fingerprint data within 120 days of the date the Department
19 received the Department of State Police fingerprint data, the
20 Department may, at its discretion, revoke the employee's
21 temporary authority to work with 15 days written notice to the
22 individual and the employing agency.

23 An agency may not employ a person in a temporary capacity
24 if it knows or reasonably should have known that the person has
25 been convicted of a crime under the laws of this State, has
26 been convicted in another state of any crime that is a crime

1 under the laws of this State, has been convicted of any crime
2 in a federal court, or has been posted as an unapproved
3 applicant by the Department. Notice by the Department to the
4 agency, via certified mail, personal delivery, electronic
5 mail, or posting on the Department's Internet site accessible
6 to the agency that the person has been convicted of a crime
7 shall be deemed constructive knowledge of the conviction on the
8 part of the agency. The Department may adopt rules to implement
9 this subsection (k).

10 (l) No person may be employed under this Section in any
11 capacity if:

12 (1) the person, while so employed, is being paid by the
13 United States or any political subdivision for the time so
14 employed in addition to any payments he or she may receive
15 from the employer; or

16 (2) the person wears any portion of his or her official
17 uniform, emblem of authority, or equipment while so
18 employed.

19 (m) If information is discovered affecting the
20 registration of a person whose fingerprints were submitted
21 under this Section, the Department shall so notify the agency
22 that submitted the fingerprints on behalf of that person.

23 (n) Peace officers shall be exempt from the requirements of
24 this Section relating to permanent employee registration
25 cards. The agency shall remain responsible for any peace
26 officer employed under this exemption, regardless of whether

1 the peace officer is compensated as an employee or as an
2 independent contractor and as further defined by rule.

3 (o) Persons who have no access to confidential or security
4 information and who otherwise do not provide traditional
5 security services are exempt from employee registration.
6 Examples of exempt employees include, but are not limited to,
7 employees working in the capacity of ushers, directors, ticket
8 takers, cashiers, drivers, and reception personnel.
9 Confidential or security information is that which pertains to
10 employee files, scheduling, client contracts, or technical
11 security and alarm data.

12 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

13 (225 ILCS 447/35-35)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 35-35. Requirement of a firearm control ~~authorization~~
16 card.

17 (a) No person shall perform duties that include the use,
18 carrying, or possession of a firearm in the performance of
19 those duties without complying with the provisions of this
20 Section and having been issued a valid firearm control
21 ~~authorization~~ card by the Department.

22 (b) No employer shall employ any person to perform the
23 duties for which employee registration is required and allow
24 that person to carry a firearm unless that person has complied
25 with all the firearm training requirements of this Section and

1 has been issued a firearm control ~~authorization~~ card. This Act
2 permits only the following to carry firearms while actually
3 engaged in the performance of their duties or while commuting
4 directly to or from their places of employment: persons
5 licensed as private detectives and their registered employees;
6 persons licensed as private security contractors and their
7 registered employees; persons licensed as private alarm
8 contractors and their registered employees; and employees of a
9 registered armed proprietary security force.

10 (c) Possession of a valid firearm control ~~authorization~~
11 card allows an employee to carry a firearm not otherwise
12 prohibited by law while the employee is engaged in the
13 performance of his or her duties or while the employee is
14 commuting directly to or from the employee's place or places of
15 employment, provided that this is accomplished within one hour
16 from departure from home or place of employment.

17 (d) The Department shall issue a firearm control
18 ~~authorization~~ card to a person who has passed an approved
19 firearm training course, who is currently employed by an agency
20 licensed by this Act and has met all the requirements of this
21 Act, and who possesses a valid firearm owner identification
22 card. Application for the firearm control ~~authorization~~ card
23 shall be made by the employer to the Department on forms
24 provided by the Department. The Department shall forward the
25 card to the employer who shall be responsible for its issuance
26 to the employee. The firearm control ~~authorization~~ card shall

1 be issued by the Department and shall identify the person
2 holding it and the name of the course where the employee
3 received firearm instruction and shall specify the type of
4 weapon or weapons the person is authorized by the Department to
5 carry and for which the person has been trained.

6 (e) Expiration and requirements for renewal of firearm
7 control authorization cards shall be determined by rule.

8 (f) The Department may, in addition to any other
9 disciplinary action permitted by this Act, refuse to issue,
10 suspend, or revoke a firearm control authorization card if the
11 applicant or holder has been convicted of any felony or crime
12 involving the illegal use, carrying, or possession of a deadly
13 weapon or for a violation of this Act or rules promulgated
14 under this Act. The Department shall refuse to issue or shall
15 revoke a firearm control authorization card if the applicant or
16 holder fails to possess a valid firearm owners identification
17 card. The Director shall summarily suspend a firearm control
18 authorization card if the Director finds that its continued use
19 would constitute an imminent danger to the public. A hearing
20 shall be held before the Board within 30 days if the Director
21 summarily suspends a firearm control authorization card.

22 (g) Notwithstanding any other provision of this Act to the
23 contrary, all requirements relating to firearms control
24 authorization cards do not apply to a peace officer.

25 (h) The Department may issue a temporary firearm control
26 card pending issuance of a new firearm control card upon an

1 agency's acquiring of an established armed account. An agency
2 that has acquired armed employees as a result of acquiring an
3 established armed account may, on forms supplied by the
4 Department, request the issuance of a temporary firearm control
5 card for each acquired employee who held a valid firearm
6 control card under his or her employment with the
7 newly-acquired established armed account immediately preceding
8 the acquiring of the account and who continues to meet all of
9 the qualifications for issuance of a firearm control card set
10 forth in this Act and any rules adopted under this Act. The
11 Department shall, by rule, set the fee for issuance of a
12 temporary firearm control card.

13 (i) The Department may not issue a firearm control card to
14 employees of a licensed fingerprint vendor agency.

15 (Source: P.A. 93-438, eff. 8-5-03.)

16 (225 ILCS 447/35-40)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 35-40. Firearm control ~~authorization~~; training
19 requirements.

20 (a) The Department shall, pursuant to rule, approve or
21 disapprove training programs for the firearm training course,
22 which shall be taught by a qualified instructor. Qualifications
23 for instructors shall be set by rule. The firearm training
24 course shall be conducted by entities, by a licensee, or by an
25 agency licensed by this Act, provided the course is approved by

1 the Department. The firearm course shall consist of the
2 following minimum requirements:

3 (1) 40 hours of training, 20 hours of which shall be as
4 described in Sections 15-20, 20-20, or 25-20, as
5 applicable, and 20 hours of which shall include all of the
6 following:

7 (A) Instruction in the dangers of and misuse of
8 firearms, their storage, safety rules, and care and
9 cleaning of firearms.

10 (B) Practice firing on a range with live
11 ammunition.

12 (C) Instruction in the legal use of firearms.

13 (D) A presentation of the ethical and moral
14 considerations necessary for any person who possesses
15 a firearm.

16 (E) A review of the laws regarding arrest, search,
17 and seizure.

18 (F) Liability for acts that may be performed in the
19 course of employment.

20 (2) An examination shall be given at the completion of
21 the course. The examination shall consist of a firearms
22 qualification course and a written examination. Successful
23 completion shall be determined by the Department.

24 (b) The firearm training requirement may be waived for an
25 employee who has completed training provided by the Illinois
26 Law Enforcement Training Standards Board or the equivalent

1 public body of another state, provided documentation showing
2 requalification with the weapon on the firing range is
3 submitted to the Department.

4 (Source: P.A. 93-438, eff. 8-5-03.)

5 (225 ILCS 447/35-41 new)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 35-41. Requirement of a canine handler authorization
8 card.

9 (a) No person shall perform duties that include the use or
10 handling of a canine to protect persons or property or to
11 conduct investigations without having been issued a valid
12 canine handler authorization card by the Department. An agency
13 may subcontract out its canine odor detection services to
14 another licensed agency or may use the employees of another
15 licensed agency as subcontractors, provided that all employees
16 who provide canine odor detection services in either
17 arrangement are properly registered under this Act and are
18 otherwise in compliance with the requirements of this Section.
19 It is the responsibility of each agency participating in a
20 subcontracting arrangement to ensure compliance with all
21 employees so utilized.

22 (b) No agency shall employ any person to perform the duties
23 for which employee registration is required and allow that
24 person to use or handle a canine to protect persons or property
25 or to conduct investigations unless that person has been issued

1 a canine handler authorization card.

2 (c) The Department shall issue a canine handler
3 authorization card to a person who (i) has passed an approved
4 canine handler training course, (ii) is currently employed by
5 an agency licensed under this Act, and (iii) has met all of the
6 applicable requirements of this Act. Application for the canine
7 handler authorization card shall be made by the employer to the
8 Department on forms provided by the Department. The Department
9 shall forward the card to the employer who shall be responsible
10 for its issuance to the employee. The canine handler
11 authorization card shall be issued by the Department and must
12 identify the person holding it and the name of the canine
13 training facility where the employee received canine handler
14 instruction.

15 (d) The Department may, in addition to any other
16 disciplinary action permitted by this Act, refuse to issue,
17 suspend, or revoke a canine handler authorization card if the
18 applicant or holder has been convicted of any felony or
19 misdemeanor involving cruelty to animals or for a violation of
20 this Act or rules adopted under this Act.

21 (e) Notwithstanding any other provision of this Section, an
22 agency may employ a person in a temporary capacity as a canine
23 handler if each of the following conditions are met:

24 (1) The agency completes in its entirety and submits to
25 the Department an application for a canine handler
26 registration card, including the required fees.

1 (2) The agency exercises due diligence to ensure that
2 the person is qualified under the requirements of the Act
3 to be issued a canine handler registration card.

4 (225 ILCS 447/35-42 new)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 35-42. Canine handler authorization; training
7 requirements. The Department shall, pursuant to rule, approve
8 or disapprove training programs for the canine handler training
9 course, which shall be taught by a qualified instructor.
10 Qualifications for instructors shall be set by rule. The canine
11 handler training course must be conducted by a licensee under
12 this Act and approved by the Department. A canine handler
13 course must consist of each of the following minimum
14 requirements:

15 (1) One hundred hours of basic training, which shall
16 include the following subjects:

17 (A) canine handling safety procedures;

18 (B) basic veterinary health and wellness
19 principles, including canine first aid;

20 (C) principles of canine conditioning;

21 (D) canine obedience techniques;

22 (E) search patterns and techniques; and

23 (F) legal guidelines affecting canine odor
24 detection operations.

25 (2) Eighty hours of additional training related to the

1 particular canine discipline in which the canine and canine
2 handler are to be trained, including without limitation
3 patrol, narcotics odor detection, explosives odor
4 detection, and cadaver odor detection.

5 (3) An examination given at the completion of the
6 course, which shall consist of a canine practical
7 qualification course and a written examination. Successful
8 completion of the examination shall be determined by the
9 canine training facility.

10 (225 ILCS 447/35-43 new)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 35-43. Requirement of a canine trainer authorization
13 card; qualifications.

14 (a) No person may perform duties that include the training
15 of canine handlers and canines to protect persons or property
16 or to conduct investigations without having been issued a valid
17 canine trainer authorization card by the Department.

18 (b) No employer shall employ any person to perform the
19 duties for which employee registration is required under this
20 Act and allow that person to train canine handlers and canines
21 unless that person has been issued a canine trainer
22 authorization card.

23 (c) The Department shall issue a canine trainer
24 authorization card to a person who (i) has passed an approved
25 canine trainer training course, (ii) is currently employed by

1 an agency licensed under this Act, and (iii) has met all of the
2 applicable requirements of this Act. Application for the canine
3 trainer authorization card shall be made by the employer to the
4 Department on forms provided by the Department. The Department
5 shall forward the card to the employer who shall be responsible
6 for its issuance to the employee.

7 (d) The Department may, in addition to any other
8 disciplinary action permitted by this Act, refuse to issue,
9 suspend, or revoke a canine trainer authorization card if the
10 applicant or holder has been convicted of any felony or
11 misdemeanor involving cruelty to animals or for a violation of
12 this Act or rules promulgated under this Act.

13 (e) Qualifications for canine trainers shall be set by the
14 Department by rule. Any person who has been engaged in the
15 provision of canine trainer services prior to January 1, 2005,
16 shall be granted a canine trainer authorization card upon the
17 submission of a completed application, the payment of
18 applicable fees, and the demonstration satisfactory to the
19 Department of the provision of such services.

20 (225 ILCS 447/35-45)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 35-45. Armed proprietary security force.

23 (a) All financial institutions that employ one or more
24 armed employees and all commercial or industrial operations
25 that employ 5 or more persons as armed employees shall register

1 their security forces with the Department on forms provided by
2 the Department.

3 (b) All armed employees of the registered proprietary
4 security force must complete a 20-hour basic training course
5 and 20-hour firearm training.

6 (c) Every proprietary security force is required to apply
7 to the Department, on forms supplied by the Department, for a
8 firearm control authorization card for each armed employee.

9 (d) The Department may provide rules for the administration
10 of this Section.

11 (Source: P.A. 93-438, eff. 8-5-03.)

12 (225 ILCS 447/40-5)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 40-5. Injunctive relief. The practice of a private
15 detective, private security contractor, private alarm
16 contractor, fingerprint vendor, locksmith, private detective
17 agency, private security contractor agency, private alarm
18 contractor agency, fingerprint vendor agency, or locksmith
19 agency by any person, firm, corporation, or other legal entity
20 that has not been issued a license by the Department or whose
21 license has been suspended, revoked, or not renewed is hereby
22 declared to be inimical to the public safety and welfare and to
23 constitute a public nuisance. The Director, through the
24 Attorney General, the State's Attorney of any county, any
25 resident of the State, or any legal entity within the State may

1 apply for injunctive relief in any court to enjoin any person,
2 firm, or other entity that has not been issued a license or
3 whose license has been suspended, revoked, or not renewed from
4 conducting a licensed activity. Upon the filing of a verified
5 petition in court, if satisfied by affidavit or otherwise that
6 the person, firm, corporation, or other legal entity is or has
7 been conducting activities in violation of this Act, the court
8 may enter a temporary restraining order or preliminary
9 injunction, without bond, enjoining the defendant from further
10 activity. A copy of the verified complaint shall be served upon
11 the defendant and the proceedings shall be conducted as in
12 civil cases. If it is established the defendant has been or is
13 conducting activities in violation of this Act, the court may
14 enter a judgment enjoining the defendant from that activity. In
15 case of violation of any injunctive order or judgment entered
16 under this Section, the court may punish the offender for
17 contempt of court. Injunctive proceedings shall be in addition
18 to all other penalties under this Act.

19 (Source: P.A. 93-438, eff. 8-5-03.)

20 (225 ILCS 447/40-10)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 40-10. Disciplinary sanctions.

23 (a) The Department may deny issuance, refuse to renew, or
24 restore or may reprimand, place on probation, suspend, ~~or~~
25 revoke, or take other disciplinary or non-disciplinary action

1 against any license, registration, permanent employee
2 registration card, canine handler authorization card, canine
3 trainer authorization card, or firearm control authorization
4 card, and ~~it~~ may impose a fine not to exceed \$10,000 ~~\$1,500~~ for
5 each ~~a first violation and not to exceed \$5,000 for a second or~~
6 ~~subsequent~~ violation for any of the following:

7 (1) Fraud or deception in obtaining or renewing of a
8 license or registration.

9 (2) Professional incompetence as manifested by poor
10 standards of service.

11 (3) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public.

14 (4) Conviction of or entry of a plea of guilty or nolo
15 contendere to in Illinois or another state of any crime
16 that is a felony under the laws of Illinois; a felony in a
17 federal court; a misdemeanor, an essential element of which
18 is dishonesty; or directly related to professional
19 practice.

20 (5) Performing any services in a grossly negligent
21 manner or permitting any of a licensee's employees to
22 perform services in a grossly negligent manner, regardless
23 of whether actual damage to the public is established.

24 (6) Continued practice, although the person has become
25 unfit to practice due to any of the following:

26 (A) Physical illness, mental illness, or other

1 impairment, including, but not limited to,
2 deterioration through the aging process or loss of
3 motor skills that results in the inability to serve the
4 public with reasonable judgment, skill, or safety.

5 (B) Mental disability demonstrated by the entry of
6 an order or judgment by a court that a person is in
7 need of mental treatment or is incompetent.

8 (C) Addiction to or dependency on alcohol or drugs
9 that is likely to endanger the public. If the
10 Department has reasonable cause to believe that a
11 person is addicted to or dependent on alcohol or drugs
12 that may endanger the public, the Department may
13 require the person to undergo an examination to
14 determine the extent of the addiction or dependency.

15 (7) Receiving, directly or indirectly, compensation
16 for any services not rendered.

17 (8) Willfully deceiving or defrauding the public on a
18 material matter.

19 (9) Failing to account for or remit any moneys or
20 documents coming into the licensee's possession that
21 belong to another person or entity.

22 (10) Discipline by another United States jurisdiction
23 or foreign nation, if at least one of the grounds for the
24 discipline is the same or substantially equivalent to those
25 set forth in this Act.

26 (11) Giving differential treatment to a person that is

1 to that person's detriment because of race, color, creed,
2 sex, religion, or national origin.

3 (12) Engaging in false or misleading advertising.

4 (13) Aiding, assisting, or willingly permitting
5 another person to violate this Act or rules promulgated
6 under it.

7 (14) Performing and charging for services without
8 authorization to do so from the person or entity serviced.

9 (15) Directly or indirectly offering or accepting any
10 benefit to or from any employee, agent, or fiduciary
11 without the consent of the latter's employer or principal
12 with intent to or the understanding that this action will
13 influence his or her conduct in relation to his or her
14 employer's or principal's affairs.

15 (16) Violation of any disciplinary order imposed on a
16 licensee by the Department.

17 (17) Failing to comply with any provision of this Act
18 or rule promulgated under it.

19 (18) Conducting an agency without a valid license.

20 (19) Revealing confidential information, except as
21 required by law, including but not limited to information
22 available under Section 2-123 of the Illinois Vehicle Code.

23 (20) Failing to make available to the Department, upon
24 request, any books, records, or forms required by this Act.

25 (21) Failing, within 30 days, to respond to a written
26 request for information from the Department.

1 (22) Failing to provide employment information or
2 experience information required by the Department
3 regarding an applicant for licensure.

4 (23) Failing to make available to the Department at the
5 time of the request any indicia of licensure or
6 registration issued under this Act.

7 (24) Purporting to be a licensee-in-charge of an agency
8 without active participation in the agency.

9 (b) The Department shall seek to be consistent in the
10 application of disciplinary sanctions.

11 (c) The Department shall adopt rules that set forth
12 standards of service for the following: (i) acceptable error
13 rate in the transmission of fingerprint images and other data
14 to the Department of State Police; (ii) acceptable error rate
15 in the collection and documentation of information used to
16 generate fingerprint work orders; and (iii) any other standard
17 of service that affects fingerprinting services as determined
18 by the Department.

19 (Source: P.A. 93-438, eff. 8-5-03.)

20 (225 ILCS 447/45-50)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 45-50. Unlicensed practice; fraud in obtaining a
23 license.

24 (a) A person who violates any of the following provisions
25 shall be guilty of a Class A misdemeanor; a person who commits

1 a second or subsequent violation of these provisions is guilty
2 of a Class 4 felony:

3 (1) The practice of or attempted practice of or holding
4 out as available to practice as a private detective,
5 private security contractor, private alarm contractor,
6 fingerprint vendor, or locksmith without a license.

7 (2) Operation of or attempt to operate a private
8 detective agency, private security contractor agency,
9 private alarm contractor agency, fingerprint vendor
10 agency, or locksmith agency without ever having been issued
11 a valid agency license.

12 (3) The obtaining of or the attempt to obtain any
13 license or authorization issued under this Act by
14 fraudulent misrepresentation.

15 (b) Whenever a licensee is convicted of a felony related to
16 the violations set forth in this Section, the clerk of the
17 court in any jurisdiction shall promptly report the conviction
18 to the Department and the Department shall immediately revoke
19 any license as a private detective, private security
20 contractor, private alarm contractor, fingerprint vendor, or
21 locksmith held by that licensee. The individual shall not be
22 eligible for licensure under this Act until at least 10 years
23 have elapsed since the time of full discharge from any sentence
24 imposed for a felony conviction. If any person in making any
25 oath or affidavit required by this Act swears falsely, the
26 person is guilty of perjury and may be punished accordingly.

1 (c) In addition to any other penalty provided by law, a
2 person, licensed or unlicensed, who violates any provision of
3 this Section shall pay a civil penalty to the Department in an
4 amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as
5 determined by the Department. The civil penalty shall be
6 imposed in accordance with this Act.

7 (Source: P.A. 93-438, eff. 8-5-03.)

8 (225 ILCS 447/45-55)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 45-55. Subpoenas.

11 (a) The Department, with the approval of a member of the
12 Board, may subpoena and bring before it any person to take the
13 oral or written testimony or compel the production of any
14 books, papers, records, or any other documents that the
15 Secretary or his or her designee deems relevant or material to
16 any such investigation or hearing conducted by the Department
17 with the same fees and in the same manner as prescribed in
18 civil cases.

19 (b) Any circuit court, upon the application of the
20 licensee, the Department, or the Board, may order the
21 attendance of witnesses and the production of relevant books
22 and papers before the Board in any hearing under this Act. The
23 circuit court may compel obedience to its order by proceedings
24 for contempt.

25 (c) The Director, the hearing officer or a certified

1 shorthand court reporter may administer oaths at any hearing
2 the Department conducts. Notwithstanding any other statute or
3 Department rule to the contrary, all requests for testimony,
4 production of documents or records shall be in accordance with
5 this Act.

6 (Source: P.A. 93-438, eff. 8-5-03.)

7 (225 ILCS 447/50-10)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 50-10. The Private Detective, Private Alarm, Private
10 Security, Fingerprint Vendor, and Locksmith Board.

11 (a) The Private Detective, Private Alarm, Private
12 Security, Fingerprint Vendor, and Locksmith Board shall
13 consist of 13 ~~11~~ members appointed by the Director and
14 comprised of 2 licensed private detectives, 3 licensed private
15 security contractors, one licensed private detective or
16 licensed private security contractor who provides canine order
17 detection services, 2 licensed private alarm contractors, one
18 licensed fingerprint vendor, 2 licensed locksmiths, one public
19 member who is not licensed or registered under this Act and who
20 has no connection with a business licensed under this Act, and
21 one member representing the employees registered under this
22 Act. Each member shall be a resident of Illinois. Except for
23 the initial appointment of a licensed fingerprint vendor after
24 the effective date of this amendatory Act of the 95th General
25 Assembly, each ~~Each~~ licensed member shall have at least 5 years

1 experience as a licensee in the professional area in which the
2 person is licensed and be in good standing and actively engaged
3 in that profession. In making appointments, the Director shall
4 consider the recommendations of the professionals and the
5 professional organizations representing the licensees. The
6 membership shall reasonably reflect the different geographic
7 areas in Illinois.

8 (b) Members shall serve 4 year terms and may serve until
9 their successors are appointed. No member shall serve for more
10 than 2 successive terms. Appointments to fill vacancies shall
11 be made in the same manner as the original appointments for the
12 unexpired portion of the vacated term. Members of the Board in
13 office on the effective date of this Act pursuant to the
14 Private Detective, Private Alarm, Private Security, and
15 Locksmith Act of 1993 shall serve for the duration of their
16 terms and may be appointed for one additional term.

17 (c) A member of the Board may be removed for cause. A
18 member subject to formal disciplinary proceedings shall
19 disqualify himself or herself from all Board business until the
20 charge is resolved. A member also shall disqualify himself or
21 herself from any matter on which the member cannot act
22 objectively.

23 (d) Members shall receive compensation as set by law. Each
24 member shall receive reimbursement as set by the Governor's
25 Travel Control Board for expenses incurred in carrying out the
26 duties as a Board member.

1 (e) A majority of Board members constitutes a quorum. A
2 majority vote of the quorum is required for a decision.

3 (f) The Board shall elect a chairperson and vice
4 chairperson.

5 (g) Board members are not liable for their acts, omissions,
6 decisions, or other conduct in connection with their duties on
7 the Board, except those determined to be willful, wanton, or
8 intentional misconduct.

9 (h) The Board may recommend policies, procedures, and rules
10 relevant to the administration and enforcement of this Act.

11 (Source: P.A. 93-438, eff. 8-5-03.)

12 (225 ILCS 447/50-25)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 50-25. Home rule. Pursuant to paragraph (h) of Section
15 6 of Article VII of the Illinois Constitution of 1970, the
16 power to regulate the private detective, private security,
17 private alarm, fingerprint vending, or locksmith business or
18 their employees shall be exercised exclusively by the State and
19 may not be exercised by any unit of local government, including
20 home rule units.

21 (Source: P.A. 93-438, eff. 8-5-03.)

22 Section 30. The Animal Welfare Act is amended by changing
23 Section 3 as follows:

1 (225 ILCS 605/3) (from Ch. 8, par. 303)

2 Sec. 3. (a) Except as provided in subsection (b) of this
3 Section, no ~~no~~ person shall engage in business as a pet shop
4 operator, dog dealer, kennel operator, cattery operator, or
5 operate a guard dog service, an animal control facility or
6 animal shelter or any combination thereof, in this State
7 without a license therefor issued by the Department. Only one
8 license shall be required for any combination of businesses at
9 one location, except that a separate license shall be required
10 to operate a guard dog service. Guard dog services that are
11 located outside this State but provide services within this
12 State are required to obtain a license from the Department.
13 Out-of-state guard dog services are required to comply with the
14 requirements of this Act with regard to guard dogs and sentry
15 dogs transported to or used within this State.

16 (b) This Act does not apply to a private detective agency
17 or private security agency licensed under the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004 that provides guard dog or
20 canine odor detection services and does not otherwise operate a
21 kennel for hire.

22 (Source: P.A. 89-178, eff. 7-19-95.)

23 Section 35. The Illinois Public Aid Code is amended by
24 changing Section 10-4 as follows:

1 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

2 Sec. 10-4. Notification of Support Obligation. The
3 administrative enforcement unit within the authorized area of
4 its operation shall notify each responsible relative of an
5 applicant or recipient, or responsible relatives of other
6 persons given access to the child support enforcement services
7 of this Article, of his legal obligation to support and shall
8 request such information concerning his financial status as may
9 be necessary to determine whether he is financially able to
10 provide such support, in whole or in part. In cases involving a
11 child born out of wedlock, the notification shall include a
12 statement that the responsible relative has been named as the
13 biological father of the child identified in the notification.

14 In the case of applicants, the notification shall be sent
15 as soon as practical after the filing of the application. In
16 the case of recipients, the notice shall be sent at such time
17 as may be established by rule of the Illinois Department.

18 The notice shall be accompanied by the forms or
19 questionnaires provided in Section 10-5. It shall inform the
20 relative that he may be liable for reimbursement of any support
21 furnished from public aid funds prior to determination of the
22 relative's financial circumstances, as well as for future
23 support. In the alternative, when support is sought on behalf
24 of applicants for or recipients of financial aid under Article
25 IV of this Code and other persons who are given access to the
26 child support enforcement services of this Article as provided

1 in Section 10-1, the notice shall inform the relative that the
2 relative may be required to pay support for a period before the
3 date an administrative support order is entered, as well as
4 future support.

5 Neither the mailing nor receipt of such notice shall be
6 deemed a jurisdictional requirement for the subsequent
7 exercise of the investigative procedures undertaken by an
8 administrative enforcement unit or the entry of any order or
9 determination of paternity or support or reimbursement by the
10 administrative enforcement unit; except that notice shall be
11 served by certified mail addressed to the responsible relative
12 at his or her last known address, return receipt requested, or
13 by a person who is licensed or registered as a private
14 detective under the Private Detective, Private Alarm, Private
15 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
16 registered employee of a private detective agency certified
17 under that Act, or in counties with a population of less than
18 2,000,000 by any method provided by law for service of summons,
19 in cases where a determination of paternity or support by
20 default is sought on behalf of applicants for or recipients of
21 financial aid under Article IV of this Act and other persons
22 who are given access to the child support enforcement services
23 of this Article as provided in Section 10-1.

24 (Source: P.A. 94-92, eff. 6-30-05.)

25 Section 40. The Illinois Vehicle Code is amended by

1 changing Section 2-123 as follows:

2 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

3 Sec. 2-123. Sale and Distribution of Information.

4 (a) Except as otherwise provided in this Section, the
5 Secretary may make the driver's license, vehicle and title
6 registration lists, in part or in whole, and any statistical
7 information derived from these lists available to local
8 governments, elected state officials, state educational
9 institutions, and all other governmental units of the State and
10 Federal Government requesting them for governmental purposes.
11 The Secretary shall require any such applicant for services to
12 pay for the costs of furnishing such services and the use of
13 the equipment involved, and in addition is empowered to
14 establish prices and charges for the services so furnished and
15 for the use of the electronic equipment utilized.

16 (b) The Secretary is further empowered to and he may, in
17 his discretion, furnish to any applicant, other than listed in
18 subsection (a) of this Section, vehicle or driver data on a
19 computer tape, disk, other electronic format or computer
20 processable medium, or printout at a fixed fee of \$250 for
21 orders received before October 1, 2003 and \$500 for orders
22 received on or after October 1, 2003, in advance, and require
23 in addition a further sufficient deposit based upon the
24 Secretary of State's estimate of the total cost of the
25 information requested and a charge of \$25 for orders received

1 before October 1, 2003 and \$50 for orders received on or after
2 October 1, 2003, per 1,000 units or part thereof identified or
3 the actual cost, whichever is greater. The Secretary is
4 authorized to refund any difference between the additional
5 deposit and the actual cost of the request. This service shall
6 not be in lieu of an abstract of a driver's record nor of a
7 title or registration search. This service may be limited to
8 entities purchasing a minimum number of records as required by
9 administrative rule. The information sold pursuant to this
10 subsection shall be the entire vehicle or driver data list, or
11 part thereof. The information sold pursuant to this subsection
12 shall not contain personally identifying information unless
13 the information is to be used for one of the purposes
14 identified in subsection (f-5) of this Section. Commercial
15 purchasers of driver and vehicle record databases shall enter
16 into a written agreement with the Secretary of State that
17 includes disclosure of the commercial use of the information to
18 be purchased.

19 (b-1) The Secretary is further empowered to and may, in his
20 or her discretion, furnish vehicle or driver data on a computer
21 tape, disk, or other electronic format or computer processible
22 medium, at no fee, to any State or local governmental agency
23 that uses the information provided by the Secretary to transmit
24 data back to the Secretary that enables the Secretary to
25 maintain accurate driving records, including dispositions of
26 traffic cases. This information may be provided without fee not

1 more often than once every 6 months.

2 (c) Secretary of State may issue registration lists. The
3 Secretary of State shall compile and publish, at least
4 annually, a list of all registered vehicles. Each list of
5 registered vehicles shall be arranged serially according to the
6 registration numbers assigned to registered vehicles and shall
7 contain in addition the names and addresses of registered
8 owners and a brief description of each vehicle including the
9 serial or other identifying number thereof. Such compilation
10 may be in such form as in the discretion of the Secretary of
11 State may seem best for the purposes intended.

12 (d) The Secretary of State shall furnish no more than 2
13 current available lists of such registrations to the sheriffs
14 of all counties and to the chiefs of police of all cities and
15 villages and towns of 2,000 population and over in this State
16 at no cost. Additional copies may be purchased by the sheriffs
17 or chiefs of police at the fee of \$500 each or at the cost of
18 producing the list as determined by the Secretary of State.
19 Such lists are to be used for governmental purposes only.

20 (e) (Blank).

21 (e-1) (Blank).

22 (f) The Secretary of State shall make a title or
23 registration search of the records of his office and a written
24 report on the same for any person, upon written application of
25 such person, accompanied by a fee of \$5 for each registration
26 or title search. The written application shall set forth the

1 intended use of the requested information. No fee shall be
2 charged for a title or registration search, or for the
3 certification thereof requested by a government agency. The
4 report of the title or registration search shall not contain
5 personally identifying information unless the request for a
6 search was made for one of the purposes identified in
7 subsection (f-5) of this Section. The report of the title or
8 registration search shall not contain highly restricted
9 personal information unless specifically authorized by this
10 Code.

11 The Secretary of State shall certify a title or
12 registration record upon written request. The fee for
13 certification shall be \$5 in addition to the fee required for a
14 title or registration search. Certification shall be made under
15 the signature of the Secretary of State and shall be
16 authenticated by Seal of the Secretary of State.

17 The Secretary of State may notify the vehicle owner or
18 registrant of the request for purchase of his title or
19 registration information as the Secretary deems appropriate.

20 No information shall be released to the requestor until
21 expiration of a 10 day period. This 10 day period shall not
22 apply to requests for information made by law enforcement
23 officials, government agencies, financial institutions,
24 attorneys, insurers, employers, automobile associated
25 businesses, persons licensed as a private detective or firms
26 licensed as a private detective agency under the Private

1 Detective, Private Alarm, Private Security, Fingerprint
2 Vendor, and Locksmith Act of 2004, who are employed by or are
3 acting on behalf of law enforcement officials, government
4 agencies, financial institutions, attorneys, insurers,
5 employers, automobile associated businesses, and other
6 business entities for purposes consistent with the Illinois
7 Vehicle Code, the vehicle owner or registrant or other entities
8 as the Secretary may exempt by rule and regulation.

9 Any misrepresentation made by a requestor of title or
10 vehicle information shall be punishable as a petty offense,
11 except in the case of persons licensed as a private detective
12 or firms licensed as a private detective agency which shall be
13 subject to disciplinary sanctions under Section 40-10 of the
14 Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 (f-5) The Secretary of State shall not disclose or
17 otherwise make available to any person or entity any personally
18 identifying information obtained by the Secretary of State in
19 connection with a driver's license, vehicle, or title
20 registration record unless the information is disclosed for one
21 of the following purposes:

22 (1) For use by any government agency, including any
23 court or law enforcement agency, in carrying out its
24 functions, or any private person or entity acting on behalf
25 of a federal, State, or local agency in carrying out its
26 functions.

1 (2) For use in connection with matters of motor vehicle
2 or driver safety and theft; motor vehicle emissions; motor
3 vehicle product alterations, recalls, or advisories;
4 performance monitoring of motor vehicles, motor vehicle
5 parts, and dealers; and removal of non-owner records from
6 the original owner records of motor vehicle manufacturers.

7 (3) For use in the normal course of business by a
8 legitimate business or its agents, employees, or
9 contractors, but only:

10 (A) to verify the accuracy of personal information
11 submitted by an individual to the business or its
12 agents, employees, or contractors; and

13 (B) if such information as so submitted is not
14 correct or is no longer correct, to obtain the correct
15 information, but only for the purposes of preventing
16 fraud by, pursuing legal remedies against, or
17 recovering on a debt or security interest against, the
18 individual.

19 (4) For use in research activities and for use in
20 producing statistical reports, if the personally
21 identifying information is not published, redisclosed, or
22 used to contact individuals.

23 (5) For use in connection with any civil, criminal,
24 administrative, or arbitral proceeding in any federal,
25 State, or local court or agency or before any
26 self-regulatory body, including the service of process,

1 investigation in anticipation of litigation, and the
2 execution or enforcement of judgments and orders, or
3 pursuant to an order of a federal, State, or local court.

4 (6) For use by any insurer or insurance support
5 organization or by a self-insured entity or its agents,
6 employees, or contractors in connection with claims
7 investigation activities, antifraud activities, rating, or
8 underwriting.

9 (7) For use in providing notice to the owners of towed
10 or impounded vehicles.

11 (8) For use by any person licensed as a private
12 detective or firm licensed as a private detective agency
13 under the Private Detective, Private Alarm, Private
14 Security, Fingerprint Vendor, and Locksmith Act of 2004
15 ~~1993~~, private investigative agency or security service
16 licensed in Illinois for any purpose permitted under this
17 subsection.

18 (9) For use by an employer or its agent or insurer to
19 obtain or verify information relating to a holder of a
20 commercial driver's license that is required under chapter
21 313 of title 49 of the United States Code.

22 (10) For use in connection with the operation of
23 private toll transportation facilities.

24 (11) For use by any requester, if the requester
25 demonstrates it has obtained the written consent of the
26 individual to whom the information pertains.

1 (12) For use by members of the news media, as defined
2 in Section 1-148.5, for the purpose of newsgathering when
3 the request relates to the operation of a motor vehicle or
4 public safety.

5 (13) For any other use specifically authorized by law,
6 if that use is related to the operation of a motor vehicle
7 or public safety.

8 (f-6) The Secretary of State shall not disclose or
9 otherwise make available to any person or entity any highly
10 restricted personal information obtained by the Secretary of
11 State in connection with a driver's license, vehicle, or title
12 registration record unless specifically authorized by this
13 Code.

14 (g) 1. The Secretary of State may, upon receipt of a
15 written request and a fee of \$6 before October 1, 2003 and
16 a fee of \$12 on and after October 1, 2003, furnish to the
17 person or agency so requesting a driver's record. Such
18 document may include a record of: current driver's license
19 issuance information, except that the information on
20 judicial driving permits shall be available only as
21 otherwise provided by this Code; convictions; orders
22 entered revoking, suspending or cancelling a driver's
23 license or privilege; and notations of accident
24 involvement. All other information, unless otherwise
25 permitted by this Code, shall remain confidential.
26 Information released pursuant to a request for a driver's

1 record shall not contain personally identifying
2 information, unless the request for the driver's record was
3 made for one of the purposes set forth in subsection (f-5)
4 of this Section.

5 2. The Secretary of State shall not disclose or
6 otherwise make available to any person or entity any highly
7 restricted personal information obtained by the Secretary
8 of State in connection with a driver's license, vehicle, or
9 title registration record unless specifically authorized
10 by this Code. The Secretary of State may certify an
11 abstract of a driver's record upon written request
12 therefor. Such certification shall be made under the
13 signature of the Secretary of State and shall be
14 authenticated by the Seal of his office.

15 3. All requests for driving record information shall be
16 made in a manner prescribed by the Secretary and shall set
17 forth the intended use of the requested information.

18 The Secretary of State may notify the affected driver
19 of the request for purchase of his driver's record as the
20 Secretary deems appropriate.

21 No information shall be released to the requester until
22 expiration of a 10 day period. This 10 day period shall not
23 apply to requests for information made by law enforcement
24 officials, government agencies, financial institutions,
25 attorneys, insurers, employers, automobile associated
26 businesses, persons licensed as a private detective or

1 firms licensed as a private detective agency under the
2 Private Detective, Private Alarm, Private Security,
3 Fingerprint Vendor, and Locksmith Act of 2004, who are
4 employed by or are acting on behalf of law enforcement
5 officials, government agencies, financial institutions,
6 attorneys, insurers, employers, automobile associated
7 businesses, and other business entities for purposes
8 consistent with the Illinois Vehicle Code, the affected
9 driver or other entities as the Secretary may exempt by
10 rule and regulation.

11 Any misrepresentation made by a requestor of driver
12 information shall be punishable as a petty offense, except
13 in the case of persons licensed as a private detective or
14 firms licensed as a private detective agency which shall be
15 subject to disciplinary sanctions under Section 40-10 of
16 the Private Detective, Private Alarm, Private Security,
17 Fingerprint Vendor, and Locksmith Act of 2004.

18 4. The Secretary of State may furnish without fee, upon
19 the written request of a law enforcement agency, any
20 information from a driver's record on file with the
21 Secretary of State when such information is required in the
22 enforcement of this Code or any other law relating to the
23 operation of motor vehicles, including records of
24 dispositions; documented information involving the use of
25 a motor vehicle; whether such individual has, or previously
26 had, a driver's license; and the address and personal

1 description as reflected on said driver's record.

2 5. Except as otherwise provided in this Section, the
3 Secretary of State may furnish, without fee, information
4 from an individual driver's record on file, if a written
5 request therefor is submitted by any public transit system
6 or authority, public defender, law enforcement agency, a
7 state or federal agency, or an Illinois local
8 intergovernmental association, if the request is for the
9 purpose of a background check of applicants for employment
10 with the requesting agency, or for the purpose of an
11 official investigation conducted by the agency, or to
12 determine a current address for the driver so public funds
13 can be recovered or paid to the driver, or for any other
14 purpose set forth in subsection (f-5) of this Section.

15 The Secretary may also furnish the courts a copy of an
16 abstract of a driver's record, without fee, subsequent to
17 an arrest for a violation of Section 11-501 or a similar
18 provision of a local ordinance. Such abstract may include
19 records of dispositions; documented information involving
20 the use of a motor vehicle as contained in the current
21 file; whether such individual has, or previously had, a
22 driver's license; and the address and personal description
23 as reflected on said driver's record.

24 6. Any certified abstract issued by the Secretary of
25 State or transmitted electronically by the Secretary of
26 State pursuant to this Section, to a court or on request of

1 a law enforcement agency, for the record of a named person
2 as to the status of the person's driver's license shall be
3 prima facie evidence of the facts therein stated and if the
4 name appearing in such abstract is the same as that of a
5 person named in an information or warrant, such abstract
6 shall be prima facie evidence that the person named in such
7 information or warrant is the same person as the person
8 named in such abstract and shall be admissible for any
9 prosecution under this Code and be admitted as proof of any
10 prior conviction or proof of records, notices, or orders
11 recorded on individual driving records maintained by the
12 Secretary of State.

13 7. Subject to any restrictions contained in the
14 Juvenile Court Act of 1987, and upon receipt of a proper
15 request and a fee of \$6 before October 1, 2003 and a fee of
16 \$12 on or after October 1, 2003, the Secretary of State
17 shall provide a driver's record to the affected driver, or
18 the affected driver's attorney, upon verification. Such
19 record shall contain all the information referred to in
20 paragraph 1 of this subsection (g) plus: any recorded
21 accident involvement as a driver; information recorded
22 pursuant to subsection (e) of Section 6-117 and paragraph
23 (4) of subsection (a) of Section 6-204 of this Code. All
24 other information, unless otherwise permitted by this
25 Code, shall remain confidential.

26 (h) The Secretary shall not disclose social security

1 numbers or any associated information obtained from the Social
2 Security Administration except pursuant to a written request
3 by, or with the prior written consent of, the individual
4 except: (1) to officers and employees of the Secretary who have
5 a need to know the social security numbers in performance of
6 their official duties, (2) to law enforcement officials for a
7 lawful, civil or criminal law enforcement investigation, and if
8 the head of the law enforcement agency has made a written
9 request to the Secretary specifying the law enforcement
10 investigation for which the social security numbers are being
11 sought, (3) to the United States Department of Transportation,
12 or any other State, pursuant to the administration and
13 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
14 (4) pursuant to the order of a court of competent jurisdiction,
15 or (5) to the Department of Healthcare and Family Services
16 (formerly Department of Public Aid) for utilization in the
17 child support enforcement duties assigned to that Department
18 under provisions of the Illinois Public Aid Code after the
19 individual has received advanced meaningful notification of
20 what redisclosure is sought by the Secretary in accordance with
21 the federal Privacy Act.

22 (i) (Blank).

23 (j) Medical statements or medical reports received in the
24 Secretary of State's Office shall be confidential. No
25 confidential information may be open to public inspection or
26 the contents disclosed to anyone, except officers and employees

1 of the Secretary who have a need to know the information
2 contained in the medical reports and the Driver License Medical
3 Advisory Board, unless so directed by an order of a court of
4 competent jurisdiction.

5 (k) All fees collected under this Section shall be paid
6 into the Road Fund of the State Treasury, except that (i) for
7 fees collected before October 1, 2003, \$3 of the \$6 fee for a
8 driver's record shall be paid into the Secretary of State
9 Special Services Fund, (ii) for fees collected on and after
10 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
11 be paid into the Secretary of State Special Services Fund and
12 \$6 shall be paid into the General Revenue Fund, and (iii) for
13 fees collected on and after October 1, 2003, 50% of the amounts
14 collected pursuant to subsection (b) shall be paid into the
15 General Revenue Fund.

16 (l) (Blank).

17 (m) Notations of accident involvement that may be disclosed
18 under this Section shall not include notations relating to
19 damage to a vehicle or other property being transported by a
20 tow truck. This information shall remain confidential,
21 provided that nothing in this subsection (m) shall limit
22 disclosure of any notification of accident involvement to any
23 law enforcement agency or official.

24 (n) Requests made by the news media for driver's license,
25 vehicle, or title registration information may be furnished
26 without charge or at a reduced charge, as determined by the

1 Secretary, when the specific purpose for requesting the
2 documents is deemed to be in the public interest. Waiver or
3 reduction of the fee is in the public interest if the principal
4 purpose of the request is to access and disseminate information
5 regarding the health, safety, and welfare or the legal rights
6 of the general public and is not for the principal purpose of
7 gaining a personal or commercial benefit. The information
8 provided pursuant to this subsection shall not contain
9 personally identifying information unless the information is
10 to be used for one of the purposes identified in subsection
11 (f-5) of this Section.

12 (o) The redisclosure of personally identifying information
13 obtained pursuant to this Section is prohibited, except to the
14 extent necessary to effectuate the purpose for which the
15 original disclosure of the information was permitted.

16 (p) The Secretary of State is empowered to adopt rules to
17 effectuate this Section.

18 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
19 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

20 Section 45. The Criminal Code of 1961 is amended by
21 changing Section 24-2 as follows:

22 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

23 Sec. 24-2. Exemptions.

24 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and

1 Section 24-1.6 do not apply to or affect any of the following:

2 (1) Peace officers, and any person summoned by a peace
3 officer to assist in making arrests or preserving the
4 peace, while actually engaged in assisting such officer.

5 (2) Wardens, superintendents and keepers of prisons,
6 penitentiaries, jails and other institutions for the
7 detention of persons accused or convicted of an offense,
8 while in the performance of their official duty, or while
9 commuting between their homes and places of employment.

10 (3) Members of the Armed Services or Reserve Forces of
11 the United States or the Illinois National Guard or the
12 Reserve Officers Training Corps, while in the performance
13 of their official duty.

14 (4) Special agents employed by a railroad or a public
15 utility to perform police functions, and guards of armored
16 car companies, while actually engaged in the performance of
17 the duties of their employment or commuting between their
18 homes and places of employment; and watchmen while actually
19 engaged in the performance of the duties of their
20 employment.

21 (5) Persons licensed as private security contractors,
22 private detectives, or private alarm contractors, or
23 employed by an agency certified by the Department of
24 Professional Regulation, if their duties include the
25 carrying of a weapon under the provisions of the Private
26 Detective, Private Alarm, Private Security, Fingerprint

1 Vendor, and Locksmith Act of 2004, while actually engaged
2 in the performance of the duties of their employment or
3 commuting between their homes and places of employment,
4 provided that such commuting is accomplished within one
5 hour from departure from home or place of employment, as
6 the case may be. Persons exempted under this subdivision
7 (a)(5) shall be required to have completed a course of
8 study in firearms handling and training approved and
9 supervised by the Department of Professional Regulation as
10 prescribed by Section 28 of the Private Detective, Private
11 Alarm, Private Security, Fingerprint Vendor, and Locksmith
12 Act of 2004, prior to becoming eligible for this exemption.
13 The Department of Professional Regulation shall provide
14 suitable documentation demonstrating the successful
15 completion of the prescribed firearms training. Such
16 documentation shall be carried at all times when such
17 persons are in possession of a concealable weapon.

18 (6) Any person regularly employed in a commercial or
19 industrial operation as a security guard for the protection
20 of persons employed and private property related to such
21 commercial or industrial operation, while actually engaged
22 in the performance of his or her duty or traveling between
23 sites or properties belonging to the employer, and who, as
24 a security guard, is a member of a security force of at
25 least 5 persons registered with the Department of
26 Professional Regulation; provided that such security guard

1 has successfully completed a course of study, approved by
2 and supervised by the Department of Professional
3 Regulation, consisting of not less than 40 hours of
4 training that includes the theory of law enforcement,
5 liability for acts, and the handling of weapons. A person
6 shall be considered eligible for this exemption if he or
7 she has completed the required 20 hours of training for a
8 security officer and 20 hours of required firearm training,
9 and has been issued a firearm control authorization card by
10 the Department of Professional Regulation. Conditions for
11 the renewal of firearm control authorization cards issued
12 under the provisions of this Section shall be the same as
13 for those cards issued under the provisions of the Private
14 Detective, Private Alarm, Private Security, Fingerprint
15 Vendor, and Locksmith Act of 2004. Such firearm control
16 ~~authorization~~ card shall be carried by the security guard
17 at all times when he or she is in possession of a
18 concealable weapon.

19 (7) Agents and investigators of the Illinois
20 Legislative Investigating Commission authorized by the
21 Commission to carry the weapons specified in subsections
22 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
23 any investigation for the Commission.

24 (8) Persons employed by a financial institution for the
25 protection of other employees and property related to such
26 financial institution, while actually engaged in the

1 performance of their duties, commuting between their homes
2 and places of employment, or traveling between sites or
3 properties owned or operated by such financial
4 institution, provided that any person so employed has
5 successfully completed a course of study, approved by and
6 supervised by the Department of Professional Regulation,
7 consisting of not less than 40 hours of training which
8 includes theory of law enforcement, liability for acts, and
9 the handling of weapons. A person shall be considered to be
10 eligible for this exemption if he or she has completed the
11 required 20 hours of training for a security officer and 20
12 hours of required firearm training, and has been issued a
13 firearm control ~~authorization~~ card by the Department of
14 Professional Regulation. Conditions for renewal of firearm
15 control ~~authorization~~ cards issued under the provisions of
16 this Section shall be the same as for those issued under
17 the provisions of the Private Detective, Private Alarm,
18 Private Security, Fingerprint Vendor, and Locksmith Act of
19 2004. Such firearm control ~~authorization~~ card shall be
20 carried by the person so trained at all times when such
21 person is in possession of a concealable weapon. For
22 purposes of this subsection, "financial institution" means
23 a bank, savings and loan association, credit union or
24 company providing armored car services.

25 (9) Any person employed by an armored car company to
26 drive an armored car, while actually engaged in the

1 performance of his duties.

2 (10) Persons who have been classified as peace officers
3 pursuant to the Peace Officer Fire Investigation Act.

4 (11) Investigators of the Office of the State's
5 Attorneys Appellate Prosecutor authorized by the board of
6 governors of the Office of the State's Attorneys Appellate
7 Prosecutor to carry weapons pursuant to Section 7.06 of the
8 State's Attorneys Appellate Prosecutor's Act.

9 (12) Special investigators appointed by a State's
10 Attorney under Section 3-9005 of the Counties Code.

11 (12.5) Probation officers while in the performance of
12 their duties, or while commuting between their homes,
13 places of employment or specific locations that are part of
14 their assigned duties, with the consent of the chief judge
15 of the circuit for which they are employed.

16 (13) Court Security Officers while in the performance
17 of their official duties, or while commuting between their
18 homes and places of employment, with the consent of the
19 Sheriff.

20 (13.5) A person employed as an armed security guard at
21 a nuclear energy, storage, weapons or development site or
22 facility regulated by the Nuclear Regulatory Commission
23 who has completed the background screening and training
24 mandated by the rules and regulations of the Nuclear
25 Regulatory Commission.

26 (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through
2 (13.5) of this subsection to possess those weapons.

3 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
4 24-1.6 do not apply to or affect any of the following:

5 (1) Members of any club or organization organized for
6 the purpose of practicing shooting at targets upon
7 established target ranges, whether public or private, and
8 patrons of such ranges, while such members or patrons are
9 using their firearms on those target ranges.

10 (2) Duly authorized military or civil organizations
11 while parading, with the special permission of the
12 Governor.

13 (3) Hunters, trappers or fishermen with a license or
14 permit while engaged in hunting, trapping or fishing.

15 (4) Transportation of weapons that are broken down in a
16 non-functioning state or are not immediately accessible.

17 (c) Subsection 24-1(a)(7) does not apply to or affect any
18 of the following:

19 (1) Peace officers while in performance of their
20 official duties.

21 (2) Wardens, superintendents and keepers of prisons,
22 penitentiaries, jails and other institutions for the
23 detention of persons accused or convicted of an offense.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard, while in
26 the performance of their official duty.

1 (4) Manufacture, transportation, or sale of machine
2 guns to persons authorized under subdivisions (1) through
3 (3) of this subsection to possess machine guns, if the
4 machine guns are broken down in a non-functioning state or
5 are not immediately accessible.

6 (5) Persons licensed under federal law to manufacture
7 any weapon from which 8 or more shots or bullets can be
8 discharged by a single function of the firing device, or
9 ammunition for such weapons, and actually engaged in the
10 business of manufacturing such weapons or ammunition, but
11 only with respect to activities which are within the lawful
12 scope of such business, such as the manufacture,
13 transportation, or testing of such weapons or ammunition.
14 This exemption does not authorize the general private
15 possession of any weapon from which 8 or more shots or
16 bullets can be discharged by a single function of the
17 firing device, but only such possession and activities as
18 are within the lawful scope of a licensed manufacturing
19 business described in this paragraph.

20 During transportation, such weapons shall be broken
21 down in a non-functioning state or not immediately
22 accessible.

23 (6) The manufacture, transport, testing, delivery,
24 transfer or sale, and all lawful commercial or experimental
25 activities necessary thereto, of rifles, shotguns, and
26 weapons made from rifles or shotguns, or ammunition for

1 such rifles, shotguns or weapons, where engaged in by a
2 person operating as a contractor or subcontractor pursuant
3 to a contract or subcontract for the development and supply
4 of such rifles, shotguns, weapons or ammunition to the
5 United States government or any branch of the Armed Forces
6 of the United States, when such activities are necessary
7 and incident to fulfilling the terms of such contract.

8 The exemption granted under this subdivision (c)(6)
9 shall also apply to any authorized agent of any such
10 contractor or subcontractor who is operating within the
11 scope of his employment, where such activities involving
12 such weapon, weapons or ammunition are necessary and
13 incident to fulfilling the terms of such contract.

14 During transportation, any such weapon shall be broken
15 down in a non-functioning state, or not immediately
16 accessible.

17 (d) Subsection 24-1(a)(1) does not apply to the purchase,
18 possession or carrying of a black-jack or slung-shot by a peace
19 officer.

20 (e) Subsection 24-1(a)(8) does not apply to any owner,
21 manager or authorized employee of any place specified in that
22 subsection nor to any law enforcement officer.

23 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
24 Section 24-1.6 do not apply to members of any club or
25 organization organized for the purpose of practicing shooting
26 at targets upon established target ranges, whether public or

1 private, while using their firearms on those target ranges.

2 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
3 to:

4 (1) Members of the Armed Services or Reserve Forces of
5 the United States or the Illinois National Guard, while in
6 the performance of their official duty.

7 (2) Bonafide collectors of antique or surplus military
8 ordinance.

9 (3) Laboratories having a department of forensic
10 ballistics, or specializing in the development of
11 ammunition or explosive ordinance.

12 (4) Commerce, preparation, assembly or possession of
13 explosive bullets by manufacturers of ammunition licensed
14 by the federal government, in connection with the supply of
15 those organizations and persons exempted by subdivision
16 (g)(1) of this Section, or like organizations and persons
17 outside this State, or the transportation of explosive
18 bullets to any organization or person exempted in this
19 Section by a common carrier or by a vehicle owned or leased
20 by an exempted manufacturer.

21 (g-5) Subsection 24-1(a)(6) does not apply to or affect
22 persons licensed under federal law to manufacture any device or
23 attachment of any kind designed, used, or intended for use in
24 silencing the report of any firearm, firearms, or ammunition
25 for those firearms equipped with those devices, and actually
26 engaged in the business of manufacturing those devices,

1 firearms, or ammunition, but only with respect to activities
2 that are within the lawful scope of that business, such as the
3 manufacture, transportation, or testing of those devices,
4 firearms, or ammunition. This exemption does not authorize the
5 general private possession of any device or attachment of any
6 kind designed, used, or intended for use in silencing the
7 report of any firearm, but only such possession and activities
8 as are within the lawful scope of a licensed manufacturing
9 business described in this subsection (g-5). During
10 transportation, those devices shall be detached from any weapon
11 or not immediately accessible.

12 (h) An information or indictment based upon a violation of
13 any subsection of this Article need not negative any exemptions
14 contained in this Article. The defendant shall have the burden
15 of proving such an exemption.

16 (i) Nothing in this Article shall prohibit, apply to, or
17 affect the transportation, carrying, or possession, of any
18 pistol or revolver, stun gun, taser, or other firearm consigned
19 to a common carrier operating under license of the State of
20 Illinois or the federal government, where such transportation,
21 carrying, or possession is incident to the lawful
22 transportation in which such common carrier is engaged; and
23 nothing in this Article shall prohibit, apply to, or affect the
24 transportation, carrying, or possession of any pistol,
25 revolver, stun gun, taser, or other firearm, not the subject of
26 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of

1 this Article, which is unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container, by the
3 possessor of a valid Firearm Owners Identification Card.

4 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
5 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

6 Section 50. The Code of Civil Procedure is amended by
7 changing Section 2-202 as follows:

8 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

9 Sec. 2-202. Persons authorized to serve process; Place of
10 service; Failure to make return.

11 (a) Process shall be served by a sheriff, or if the sheriff
12 is disqualified, by a coroner of some county of the State. A
13 sheriff of a county with a population of less than 1,000,000
14 may employ civilian personnel to serve process. In counties
15 with a population of less than 1,000,000, process may be
16 served, without special appointment, by a person who is
17 licensed or registered as a private detective under the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004 or by a registered employee
20 of a private detective agency certified under that Act. A
21 private detective or licensed employee must supply the sheriff
22 of any county in which he serves process with a copy of his
23 license or certificate; however, the failure of a person to
24 supply the copy shall not in any way impair the validity of

1 process served by the person. The court may, in its discretion
2 upon motion, order service to be made by a private person over
3 18 years of age and not a party to the action. It is not
4 necessary that service be made by a sheriff or coroner of the
5 county in which service is made. If served or sought to be
6 served by a sheriff or coroner, he or she shall endorse his or
7 her return thereon, and if by a private person the return shall
8 be by affidavit.

9 (a-5) Upon motion and in its discretion, the court may
10 appoint as a special process server a private detective agency
11 certified under the Private Detective, Private Alarm, Private
12 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
13 the appointment, any employee of the private detective agency
14 who is registered under that Act may serve the process. The
15 motion and the order of appointment must contain the number of
16 the certificate issued to the private detective agency by the
17 Department of Professional Regulation under the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004.

20 (b) Summons may be served upon the defendants wherever they
21 may be found in the State, by any person authorized to serve
22 process. An officer may serve summons in his or her official
23 capacity outside his or her county, but fees for mileage
24 outside the county of the officer cannot be taxed as costs. The
25 person serving the process in a foreign county may make return
26 by mail.

1 (c) If any sheriff, coroner, or other person to whom any
2 process is delivered, neglects or refuses to make return of the
3 same, the plaintiff may petition the court to enter a rule
4 requiring the sheriff, coroner, or other person, to make return
5 of the process on a day to be fixed by the court, or to show
6 cause on that day why that person should not be attached for
7 contempt of the court. The plaintiff shall then cause a written
8 notice of the rule to be served on the sheriff, coroner, or
9 other person. If good and sufficient cause be not shown to
10 excuse the officer or other person, the court shall adjudge him
11 or her guilty of a contempt, and shall impose punishment as in
12 other cases of contempt.

13 (d) If process is served by a sheriff or coroner, the court
14 may tax the fee of the sheriff or coroner as costs in the
15 proceeding. If process is served by a private person or entity,
16 the court may establish a fee therefor and tax such fee as
17 costs in the proceedings.

18 (e) In addition to the powers stated in Section 8.1a of the
19 Housing Authorities Act, in counties with a population of
20 3,000,000 or more inhabitants, members of a housing authority
21 police force may serve process for forcible entry and detainer
22 actions commenced by that housing authority and may execute
23 orders of possession for that housing authority.

24 (f) In counties with a population of 3,000,000 or more,
25 process may be served, with special appointment by the court,
26 by a private process server or a law enforcement agency other

1 than the county sheriff in proceedings instituted under the
2 Forcible Entry and Detainer Article of this Code as a result of
3 a lessor or lessor's assignee declaring a lease void pursuant
4 to Section 11 of the Controlled Substance and Cannabis Nuisance
5 Act.

6 (Source: P.A. 93-438, eff. 8-5-03.)

7 Section 55. The Uniform Disposition of Unclaimed Property
8 Act is amended by changing Section 20 as follows:

9 (765 ILCS 1025/20) (from Ch. 141, par. 120)

10 Sec. 20. Determination of claims.

11 (a) The State Treasurer shall consider any claim filed
12 under this Act and may, in his discretion, hold a hearing and
13 receive evidence concerning it. Such hearing shall be conducted
14 by the State Treasurer or by a hearing officer designated by
15 him. No hearings shall be held if the payment of the claim is
16 ordered by a court, if the claimant is under court
17 jurisdiction, or if the claim is paid under Article XXV of the
18 Probate Act of 1975. The State Treasurer or hearing officer
19 shall prepare a finding and a decision in writing on each
20 hearing, stating the substance of any evidence heard by him,
21 his findings of fact in respect thereto, and the reasons for
22 his decision. The State Treasurer shall review the findings and
23 decision of each hearing conducted by a hearing officer and
24 issue a final written decision. The final decision shall be a

1 public record. Any claim of an interest in property that is
2 filed pursuant to this Act shall be considered and a finding
3 and decision shall be issued by the Office of the State
4 Treasurer in a timely and expeditious manner.

5 (b) If the claim is allowed, and after deducting an amount
6 not to exceed \$20 to cover the cost of notice publication and
7 related clerical expenses, the State Treasurer shall make
8 payment forthwith.

9 (c) In order to carry out the purpose of this Act, no
10 person or company shall be entitled to a fee for discovering
11 presumptively abandoned property until it has been in the
12 custody of the Unclaimed Property Division of the Office of the
13 State Treasurer for at least 24 months. Fees for discovering
14 property that has been in the custody of that division for more
15 than 24 months shall be limited to not more than 10% of the
16 amount collected.

17 (d) A person or company attempting to collect a contingent
18 fee for discovering, on behalf of an owner, presumptively
19 abandoned property must be licensed as a private detective
20 pursuant to the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 ~~1993~~.

22 (e) This Section shall not apply to the fees of an attorney
23 at law duly appointed to practice in a state of the United
24 States who is employed by a claimant with regard to probate
25 matters on a contractual basis.

26 (Source: P.A. 93-531, eff. 8-14-03.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".